

DIVISION I – GENERAL PROVISIONS

DIVISION I – GENERAL PROVISIONS I-1

 Chapter 21.02 Introductory Provisions I-2

 Chapter 21.04 Organization I-5

 Chapter 21.06 Zoning Districts and Mapping I-7

 Editorial Comments to Division I I-9

Chapter 21.02 Introductory Provisions

Sections:

21.02.010	Title
21.02.020	Authority
21.02.030	Purpose
21.02.040	Applicability
21.02.050	Minimum Requirements
21.02.060	Severability

21.02.010 Title

Title 21 of the Annapolis City Code, Chapter 21.02 through Chapter 21.72, will be cited and referred to as the “Zoning Code of the City of Annapolis” or the “Zoning Code[CG1].”



21.02.020 Authority

The City Council of the City of Annapolis adopts this Zoning Code pursuant to Article 66B, of the Annotated Code of Maryland, as amended, and other relevant authorities and provisions of Maryland statutory and common law.

21.02.030 Purpose[CG2]



The Zoning Code is adopted for the purpose of promoting the public health, safety and general welfare of the citizens of the City of Annapolis. Additional specific purposes of the Zoning Code are as follows:

- A. To promote the public comfort, convenience and prosperity.
- B. To ensure the integrity of, and help implement, the comprehensive plan.
- C. To foster a more rational pattern of relationships among different types of land uses for the mutual benefit of all.
- D. To zone all properties with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the city.
- E. To avoid the inappropriate development of lands and provide for adequate drainage, curbing of erosion and reduction of flood damage.
- F. To lessen and relieve street congestion.
- G. To secure safety from fire and other dangers.
- H. To provide adequate standards of light, air and open space.
- I. To prevent the overcrowding of land and buildings and thereby to ensure proper living and working conditions and to prevent blight and slums.
- J. To avoid undue concentration of population.

- K. To facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements.
- L. To maintain and protect residential, business, commercial and manufacturing areas alike from harmful encroachment by incompatible uses and to ensure that land allocated to a class of uses shall not be changed to inappropriate uses.
- M. To protect those community facilities which require a residential environment and which provide essential health and welfare services for residents.
- N. To protect and provide locations for federal, state, county and municipal governmental buildings and their various departments and related activities.
- O. To preserve the historic and the general environment of the historic district.
- P. To fix reasonable standards to which buildings and structures shall conform.
- Q. To prevent additions to, and alterations or remodeling of, existing buildings or structures as would not comply with the restrictions and limitations imposed in this Zoning Code.
- R. To provide for adequate off-street parking and loading areas.
- S. To isolate or control the location of unavoidable nuisance-producing uses.
- T. To define the powers and duties of the administrative and enforcement officers and bodies.
- U. To prescribe penalties for any violations of the provisions of this Zoning Code.
- V. To promote appropriate use of waterfront properties.

21.02.040 Applicability

The Zoning Code will apply to all of the land area within the corporate limits of the City of Annapolis, as indicated on the Zoning Map provided for in Chapter 21.06. Except as expressly provided in this Zoning Code, no activity governed by the Zoning Code may be undertaken without the approvals, if any, required pursuant to the provisions of this Zoning Code.

21.02.050 Minimum requirements[CG3]

- A. The provisions of the Zoning Code are the minimum requirements for the promotion of the public health, safety and general welfare.
- B. Where the requirements imposed by any provision of the Zoning Code are at variance with the requirements of any other lawfully adopted ordinance, rules, or regulation of any kind, the requirement that is most restrictive or that imposes a higher standard shall govern.
- C. The issuance of any permit or approval in accordance with the requirements of the Zoning Code is not intended to relieve the recipient of such permit or approval from the responsibility of complying with all other applicable requirements of any other city, state or federal agency.

21.02.060 Severability

If any provision of the Zoning Code is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the Zoning Code.

Chapter 21.04 Organization

Sections:

- 21.04.010 Organization
- 21.04.020 Effective Date
- 21.04.030 Transitional Provisions

21.04.010 Organization[CG4]

This Zoning Code is organized into six divisions as described below and includes different types of zoning districts and regulations for the use and development of land as described in this Section.

A. Structure of the Zoning Code

The Zoning Code consists of the following:

- Division I: Introductory Provisions
- Division II: Administration and Enforcement
- Division III: Base District Regulations
- Division IV: Overlay District Regulations
- Division V: Regulations of General Applicability
- Division VI: Definitions and Rules of Measurement

B. Types of Zoning Districts in the Zoning Code

This Zoning Code establishes two types of zoning districts: (1) base zoning districts, and (2) overlay districts. Regulations pertaining to Base Zoning Districts are found in Division III. Regulations pertaining to Overlay Districts are found in Division IV.

C. Types of Regulations in the Zoning Code.

The following types of regulations are contained in this Zoning Code:

1. **Administration.** These provisions include a description of decision making bodies and officials, general application procedures and fees; and procedures for administrative interpretations, decisions by the Planning and Zoning Director, Planning Commission, Board of Appeals, Historic Preservation Commission and City Council. These administrative provisions appear in Division II, Administration and Enforcement.
2. **Enforcement.** These provisions contain the remedies available to the city to enforce this Zoning Code. These provisions appear in Division II, Administration and Enforcement.
3. **Land Use Regulations.** Land use regulations for each base zoning district specify land uses permitted by right, or uses allowed subject to standards, or uses allowed after obtaining a special exception. The regulations include special requirements applicable to

specific uses. Land use regulations for all base districts appear in Division III and land use regulations applicable to overlay districts appear in Division IV.

4. **Development Standards.** Development standards control the height, size, location and other aspects of structures and uses on sites intended for development. Development standards for each zoning district appear in Division III and supplemental use and development standards are presented in Division V.
5. **Definitions.** Division VI, General Terms, includes a summary list, with cross-references, of definitions for terms used in this Zoning Code.

21.04.020 Effective Date

The Zoning Code and any amendments to the Zoning Code shall become effective on the date of approval by the City Council, except that if the date of City Council approval is less than ten days after the close of the City Council's public hearing on the Zoning Code or amendments, the effective date of the amendment shall be ten days after the close of the public hearing on the Zoning Code or amendments.

21.04.030 Transitional Provisions

- A. **Building Permit.** Where a building permit for a building or structure or designated use has been issued in accordance with the zoning provisions in effect prior to the effective date of this Zoning Code, if construction is begun within six months of the date of issuance of that building permit and diligently proceeds to completion, the building or structure may be completed in accordance with the building permit and approved plans. Upon completion, a building may be occupied under a certificate of occupancy by the designated use for which the building permit was issued[CG5].
- B. **Other Permits and Approvals.** Where a permit or approval has been issued in accordance with the zoning provisions in effect prior to the effective date of this Zoning Code, nothing in this Zoning Code shall require a change in a permit or approval, provided that a building permit is issued prior to the expiration of that permit or approval and construction begins consistent with the terms and conditions of the building permit and other permits or approvals and proceeds to completion in a timely manner. Permits or approvals issued in accordance with the zoning provisions in effect prior to the effective date of this Zoning Code may be extended in conformance with the procedures established in Division II.

Chapter 21.06 Zoning Districts and Mapping

Sections:

21.06.010	Establishment of Zoning Districts
21.06.020	Zoning District Map
21.06.030	Zoning District Boundaries
21.06.040	Lots Divided by Zoning District Boundaries
21.06.050	Zoning of Annexed Land

21.06.010 Establishment of Zoning Districts

For the purpose of this Zoning Code the city is organized into the following zoning districts:

A. Residence Districts:

- R1 Single-Family Residence
- R1-A Single-Family Residence
- R1-B Single-Family Residence
- R2 Single-Family Residence
- R2 Neighborhood Conservation
- R3 General Residence
- R3 Neighborhood Conservation
- R3 Neighborhood Conservation 2
- R3 Revitalization
- R4 General Residence
- R4 Revitalization
- C1 Conservation Residence
- C1A Special Conservation Residence

B. Commercial and Industrial Districts:

- B1 Convenience Shopping
- B2 Community Shopping
- B3 General Commercial
- B3 CD Corridor Design
- BCE Business Corridor Enhancement
- BR Business Revitalization
- C2 Conservation Business
- C2A Special Conservation Business
- PM2 Professional Mixed Office Park
- I1 Light Industrial

C. Office and Mixed Use Districts:

- P Professional Office
- MX Mixed Use
- PM Professional Mixed Office
- C2P Special Conservation Professional

D. Waterfront Maritime Districts:

- WMC Waterfront Maritime Conservation
- WMM Waterfront Mixed Maritime
- WMI Waterfront Maritime Industrial

F. Overlay Districts:

Critical Area
Historic District
Office and Commercial Design

21.06.020 Zoning District Map

The location and boundaries of the zoning districts of this Zoning Code are established as shown on the zoning map entitled "City of Annapolis Zoning District Map," which is incorporated in this section and made a part of this Zoning Code. The map, together with everything shown on the map and all amendments to the map, is as much a part of this Zoning Code as though fully set forth and described in this Zoning Code.

21.06.030 Zoning District Boundaries

The following rules shall apply with respect to the boundaries of the various districts as shown on the zoning map:

- A. District boundary lines are the shorelines, centerlines of highways, streets, alleys or other right-of-way lines of railroads, tract and lot lines; or these lines extended unless otherwise indicated.
- B. In areas not subdivided into lots and blocks, wherever a district is indicated as a strip adjacent to and paralleling a street or highway, the depth of the strips shall be in accordance with dimensions shown on the map measured at right angles from the centerline of the street or highway, and the length of frontage shall be in accordance with dimensions shown on the map from center lines of streets or highways, or railroad rights-of-way, unless otherwise indicated.

21.06.040 Lots Divided by Zoning District  undaries [CG6]

Where a district boundary divides a tract in single ownership, the Board of Appeals, in accordance with the procedures established in Division II, Chapter 21.20 may approve an application to extend the regulations for either portion of the tract to any contiguous portion of the tract included in a zoning district listed in the same subsection of Section 21.06.10 as the regulations being extended; provided, however, that the Board shall not extend the regulations to an extent greater than 20 percent of the total area of the tract or 5,000 square feet, whichever is less.

21.06.050 Zoning of Annexed  nd [CG7]

On land annexed to or consolidated with the city after the effective date of this Zoning Code, no building or structure shall be erected, enlarged or moved and no change in the use of land or existing buildings or structures shall be made until an ordinance designating the zoning district classification of the annexed land is adopted by the city council. If in acting favorably on the annexation petition, the city council does not designate the zoning district classification, then within 40 days of the annexation, the Planning Commission shall file an application for an amendment to establish the zoning district classification of the land. However, if no action is taken regarding the classification of annexed land within 90 days of the date of annexation, the land shall acquire the R1 district classification and shall remain in that zone until properly reclassified.

Editorial Comments to Division I

Page: 2
[CG1] New Section

Page: 2
[CG2] Former 21.02.010, minor edits made.

Page: 3
[CG3] Former 21.02.020, 030

Page: 5
[CG4] New.

Page: 6
[CG5] Former 21.02.060

Page: 8
[CG6] Former 21.08.050A

Page: 8
[CG7] Former 21.08.060

DIVISION II – ADMINISTRATION AND ENFORCEMENT

DIVISION II – ADMINISTRATION AND ENFORCEMENT	II-1
Chapter 21.08 Decision Making Bodies and Officials	II-2
Chapter 21.10 General Application Procedures and Fees	II-10
Chapter 21.12 Use and Occupancy Permits	II-16
Chapter 21.14 Demolition Permits	II-19
Chapter 21.16 Administrative Interpretations.....	II-22
Chapter 21.18 Administrative Adjustments.....	II-25
Chapter 21.20 Zoning District Boundary Adjustments	II-28
Chapter 21.22 Site Design Plan Review	II-30
Chapter 21.24 Planned Developments.....	II-36
Chapter 21.26 Special Exceptions	II-46
Chapter 21.28 Variances.....	II-50
Chapter 21.30 Appeals.....	II-53
Chapter 21.32 Zoning Text Amendments.....	II-55
Chapter 21.34 Zoning Map Amendments.....	II-56
Chapter 21.36 Zoning Enforcement.....	II-59
Editorial Comments to Division II.....	II-60

Chapter 21.08 Decision Making Bodies and Officials 11

Sections:

21.08.010	Purpose and Responsibilities
21.08.020	City Council
21.08.030	Planning Commission
21.08.040	Board of Appeals
21.08.050	Planning and Zoning Director
21.08.060	Historic Preservation Commission
21.08.070	Director of Neighborhood and Environmental Programs

21.08.010 Purpose and Responsibilities

- A. **Purpose.** This chapter lists the decision making bodies and officials that have responsibility for implementing, administering and enforcing this Zoning Code. Other city officials and departments also having specific responsibilities related to this Code are identified in the appropriate sections of the Zoning Code.
- B. **Responsibilities.** The table at the end of this Chapter summarizes the decision making responsibilities delegated to the various decision making bodies and officials under the Zoning Code.

21.08.020 City Council

The City Council shall have the responsibility for final decisions regarding the text of this Zoning Code and the Zoning Map. In addition to and in furtherance of that authority, the City Council shall have the following powers and duties:

- A. To consider and adopt, reject or modify amendments to the text of this Zoning Code and the Zoning Map, pursuant to the provisions of Chapter 21.32 and Chapter 21.34, following recommendation by the Planning Commission.
- B. To confirm appointments by the Mayor to the Planning Commission, Board of Appeals and Historic Preservation Commission.

21.08.030 Planning mmission[CG2]

- A. **Establishment.** The Planning Commission is established under Article 66B of the Annotated Code of Maryland and is authorized to execute all of the powers conferred to planning commissions under Article 66B of the Annotated Code of Maryland.
- B. **Membership.** The Planning Commission shall consist of seven residents of the City who have a demonstrated interest with regard to planning policy and with regard to land use matters and procedures of the City. The members shall be appointed by the Mayor and confirmed by the City Council.
- C. **Term.** The term of office of each member of the Planning Commission shall be as provided in Article 66B of the Annotated Code of Maryland. The term of each member shall commence on July 1st of the year in the appointment is made[CG3]. 

- D. Rules.** The Planning Commission may adopt rules to assist the Commission in carrying out its duties under this Zoning Code.
- E. Duties.** The Planning Commission shall have the following powers and es[CG4]:
1. Review all applications for special exceptions and report the findings and recommendations to the Board of Appeals in the manner prescribed in this Zoning Code, Chapter 21.26.
 2. Review all proposed amendments to this Zoning Code and Zoning Map and to report to the City Council its findings and recommendations in the manner prescribed in this Zoning Code, Chapter 21.32 and Chapter 21.34.
 3. Receive the Planning and Zoning Director's recommendations related to the effectiveness of this Zoning Code and report its conclusions and recommendations to the City Council not less frequently than once a year.
 4. Hear and decide major site design plan applications pursuant to the provisions of Zoning Code Chapter 21.22.
 5. Hear and decide applications for residential planned developments and business planned developments, and make recommendations on special mixed planned developments pursuant to the provisions of Zoning Code Chapter 21.24.
 6. Execute all powers conferred to planning commissions under Article 66B of the Annotated Code of Maryland.

21.08.040 **Board of Appeals**[CG5]

- A. Establishment.** The Board of Appeals is established pursuant to and has the authority to execute all of the powers granted to boards of appeals by Article 66B of the Annotated Code of Maryland. In addition, the Board of Appeals is also established pursuant to the provisions of the Annapolis City Code Chapter 2.48.
- B. Membership.** The Board of Appeals shall consist of at least five members. The members shall be appointed by the Mayor and confirmed by the City Council.
- C. Term.** The term of office of each member of the Board of Appeals shall be for three years, as provided in Article 66B of the Annotated Code of Maryland.
- D. Rules.** The Board of Appeals shall adopt rules in accordance with the provisions of this section and in accordance with the provisions of Article 66B of the Annotated Code of Maryland. The Board shall adopt and amend rules as follows:
1. After a public session to consider the proposed rules or amendments, the Board shall adopt and periodically amend rules of practice and procedure.
 2. The Board shall give reasonable notice of the date, time, and place of the public session and the category of rule or amendment to be considered at the session.
 3. After approval by the Board, the rules of the Board of Appeals shall be published and shall be available to the public through the Department of Planning and Zoning.
- C. Duties.** The Board of Appeals shall have the following powers and duties:

1. To hear and decide appeals, pursuant to the provisions of Zoning Code Chapter 21.30 where it is alleged there is error in any order, requirement, decision or determination made by an administrative official or body in the enforcement of: (a) this Zoning Code; or (b) any ordinance adopted pursuant to this Zoning Code.
2. To hear and decide applications for special exceptions pursuant to Chapter 21.26 of this Zoning Code.
3. To hear and decide applications for variances from the terms of this Zoning Code, pursuant to the provisions of Chapter 21.28.
4. To hear and decide applications for special mixed planned developments pursuant to the provisions of Zoning Code Chapter 21.24.
5. To hear and decide applications for zoning district boundary adjustments pursuant to the provisions of Zoning Code Chapter 21.20.
6. To hear and decide applications for change of nonconforming use pursuant to the provisions of Chapter 21.68.
7. To hear and decide all matters referred to it or upon which it is required to decide by this Zoning Code, and as prescribed by Article 66B of the Annotated Code of Maryland.

21.08.050 Planning and Zoning Director [CG6]

- A. Establishment.** The position of Planning and Zoning Director is established as the manager of the Department of Planning and Zoning, with the authority to administer and enforce this Zoning Code.
- B. Duties.** The Planning and Zoning Director may delegate zoning administration and enforcement responsibilities to any deputy director, assistant director, or staff member of the Department of Planning and Zoning, or other individual designated by the Director. The Planning and Zoning Director has the following powers and duties:
 1. Decide applications for demolition permits pursuant to the provisions of Chapter 21.14.
 2. Decide applications for administrative interpretations pursuant to the provisions of Chapter 21.16.
 3. Decide applications for administrative adjustments pursuant to the provisions of Chapter 21.18.
 4. Decide applications for minor site plan review pursuant to the provisions of Chapter 21.22.
 5. Decide applications for determinations of nonconforming use status pursuant to the provisions of Chapter 21.68.
 6. Hear and decide applications for change of nonconforming use pursuant to the provisions of Chapter 21.68.
 7. Conduct inspections of buildings, structures and use of land to determine compliance with the terms of this Zoning Code.

8. Take appropriate enforcement action with regard to alleged violations of this Zoning Code[CG7].
9. Maintain permanent and current records made under this Zoning Code, including, but not limited to, all maps, amendments, planned developments, special exceptions, variances, appeals, use permits and applications.
10. Provide and maintain public information related to this Zoning Code.
11. Initiate or direct from time to time a study of the provisions of this Zoning Code, and make reports or recommendations to the Planning Commission not less frequently than once a year.

21.08.060 Historic Preservation Commission

- A. **Establishment.** The Historic Preservation Commission is hereby established to execute all of the powers conferred to it by this Zoning Code and pursuant to Article 66B of the Annotated Code of Maryland.
- B. **Membership.** The Historic Preservation Commission shall consist of seven members appointed by the Mayor and confirmed by the City Council. The members of the Commission shall be residents of the City. Each member shall possess a demonstrated special interest, specific knowledge, or professional or academic training in such fields as history, architecture, architectural history, planning, archaeology, anthropology, curation, conservation, landscape architecture, historic preservation, urban design, or related disciplines. In addition, the Commission membership shall comply with the following:
 1. At least two members of the Commission shall possess professional or academic training in one or more of the above-listed fields in accordance with the minimum professional requirements of the United States Department of the Interior for certifying local governments under 36. C.F.R. part 61.
 2. The criteria for Commission membership under the category of demonstrated special interest may be satisfied either by formal training in one or more of the fields listed in section (B) above or active membership in a preservation-related organization. The requirement for membership under the category of specific knowledge may be satisfied by formal post secondary education, employment or practical experience in one or more of the above-listed fields. The requirement for Commission membership under the category of professional or academic training may be satisfied by, at a minimum, two years experience as a professional or a bachelor's degree in one or more of the above-listed fields.
 3. The Commission shall elect, from its membership, a chairperson and vice chairperson. The terms of the chairperson and vice chairperson shall be for one year, with eligibility for re-election.
 4. Commission members shall serve without compensation, but may be reimbursed for actual expenses incurred in the performance of their duties, provided said expenses are permitted by the budget and approved in advance by the director of finance.
- C. **Term.** The Commission members shall be appointed for terms of three years, except that the terms shall be staggered so that not more than three appointments shall expire in a given year. Commission members are eligible for reappointment. Any vacancy in the membership of the Commission caused by the expiration of a term, resignation, death, incapacity to discharge duties, removal for cause, or any other reason, shall be filled for a new term, or for the

remainder of the term for which there is a vacancy, as the case may be, in the same manner as provided herein for the appointment and confirmation of the initial members of the Commission. Any vacancy of the Commission shall be filled within 60 days. In the case of expiration of terms, members may continue to serve until their successors are appointed and confirmed. Any unexcused absence of three consecutive meetings shall constitute a vacancy.

D. Rules. The Historic Preservation Commission may adopt rules to assist the Commission in carrying out its duties under this Zoning Code. Any rules of procedure adopted by the Commission shall be consistent with the following procedures:

1. Any interested person, or person's representative, is entitled to appear and be heard at any public hearing conducted by the Commission.
2. The Commission shall keep a record of its proceedings and actions which shall be on file for public view.
3. Notice of Commission meetings shall appear in a newspaper with general circulation in the city seven days prior to the meetings.
4. Four members shall constitute a quorum and the vote of the majority present is necessary for a decision.
5. The chair, or the acting chair in the absence of the chair, may administer oaths and compel the attendance and testimony of witnesses and the production of documents on matters relating to the business of the Commission.

E. Duties. The Historic Preservation Commission shall have the following powers and duties:

1. The Historic Preservation Commission shall hold no fewer than one regular meeting monthly to discharge its duties.
2. Consistent with the city's policies and procedures, employees may be assigned to the Commission, and such services and facilities made available as are deemed necessary or appropriate for the proper performance of its duties.
3. The Historic Preservation Commission shall annually file a report with the City Council summarizing the Commission's discharge of its responsibilities.
4. The Historic Preservation Commission shall decide applications for Certificates of Approval pursuant to the provisions of Chapter 21.56.
5. The Historic Preservation Commission may accept and use gifts in the exercise of its functions, subject to any applicable city policies or procedures regarding acceptance or use of gifts by public officials.
6. The Historic Preservation Commission may direct studies, reports, and surveys to identify historically, culturally, archaeologically, or architecturally significant landmarks, sites, structures, and districts that exemplify the cultural, social, economic, political, or architectural history of the city, state or nation.
7. The Historic Preservation Commission may adopt and utilize in its review of applications rehabilitation and new construction design guidelines and criteria for designated landmarks, sites, structures, and districts which are consistent with the U. S. Secretary of the Interior's standards for rehabilitation. Guidelines may include design characteristics intended to meet

the needs of particular types of landmarks, sites, structures, and districts, and may identify categories of changes that, because they are minimal in nature, do not affect historic, cultural, archaeological, or architectural significance, and do not require review by the Commission.

8. To adopt sidewalk cafe furniture guidelines for use by operating establishments located in the historic district, which hold permits issued pursuant to Chapter 7.42 of the Annapolis City Code. In adopting any such guidelines, the Historic Preservation Commission shall consider the requirements of Section 7.42.020(F) of the Annapolis City Code.
9. Consistent with the city's charter, ordinances, resolutions, local public law, policies, and procedures covering the acquisition of easements, to accept historic preservation easements, when deemed appropriate by the Commission, on designated landmarks, structures, or sites and on sites or structures located in, or adjacent to, a designated district, landmark, site, or structure.
10. To under take any other action or activity necessary or appropriate to the implementation of its powers and duties or the implementation of the purpose of this Zoning Code.

21.08.070 Director of Neighborhood and Environmental Programs

The Department of Neighborhood and Environmental Programs is established pursuant to the provisions of the Annapolis City Code Chapter 2.25. The Director of Neighborhood and Environmental Programs shall have the following responsibilities, powers and duties under this Zoning Code:

- A. Decide applications for use and occupancy permits pursuant to the provisions of Zoning Code Chapter 21.12.
- B. Conduct inspections of buildings, structures and use of land to determine compliance with the terms of this Zoning Code.
- C. Revoke permits, and issue violation orders or citations for misdemeanors for alleged violations of any provisions of this Zoning Code pursuant to Zoning Code, Chapter 21.36.

Annapolis Zoning Code Summary of Review and Decision-Making Authority

Type of Decision	Planning and Zoning Director	Director of Neighborhood and Environmental Programs	Planning Commission	Board of Appeals	Historic Preservation Commission	City Council	Circuit Court
Administrative							
Administrative Adjustments	Decision			Appeal			
Administrative Interpretations	Decision			Appeal			
Change of Nonconforming Use	Decision			Appeal			
Demolition Permits (selected, per Chapter 21.14)	Decision			Appeal			
Determination of Nonconforming Use	Decision			Appeal			
Minor Site Design Plan	Decision			Appeal			
Use and Occupancy Permit	Review	Decision		Appeal			
Sign Permit	Review	Decision, pursuant to Chapter 17.60					
Stop Work Order, Corrective Measures Orders		Decision					
Revocation of Permits		Decision					
Planning Commission							
Business Planned Development	Review		Decision	Appeal			Appeal
Major Site Design Plan	Review		Decision	Appeal			
Residential Planned Development	Review		Decision	Appeal			
Board of Appeals							
Appeal	Review			Decision			Appeal
Expansion of Nonconforming Use	Review		Recommendation	Decision			Appeal
Special Mixed Planned Development	Review		Recommendation	Decision			Appeal
Special Exception	Review		Recommendation	Decision			Appeal
Variance	Review			Decision			Appeal

Type of Decision	Planning and Zoning Director	Director of Neighborhood and Environmental Programs	Planning Commission	Board of Appeals	Historic Preservation Commission	City Council	Circuit Court
Zoning District Boundary Adjustments	Review			Decision			Appeal
Historic Preservation Commission							
Certificate of Approval	Review				Decision		Appeal
City Council							
Zoning Map Amendment	Review		Recommendation			Decision	Appeal
Zoning Text Amendment	Review		Recommendation			Decision	Appeal

Chapter 21.10 General Application Procedures and Fees

Sections:

21.10.010	Common Procedures for Review of Applications
21.10.020	Notice Requirements
21.10.030	Administrative Procedures for Review of Applications
21.10.040	Board of Appeals Procedures
21.10.050	Fees and Deposits

21.10.010 Common Procedures for Review of Applications[CG8]

Applications submitted for review and approval pursuant to the Zoning Code will be processed in accordance with the procedures of this section and any other procedures that are established in a Division II chapter in connection with a specific zoning application. The specific procedures established in other Division II chapters may reference sections of the common procedures for review of applications.

- A. Preapplication Conference.** Prior to the submission of an application required by the Zoning Code, a preapplication conference with the Planning and Zoning Director may be required as follows:
1. **Required Conference.** Unless waived by the Planning and Zoning Director, a preapplication conference with the Planning and Zoning Director must be held for the following types of applications:
 - a. Major site design plan applications.
 - b. Planned development applications.
 - c. Zoning map or text amendments.
 2. **Optional Conference.** For all other applications, a conference with the Planning and Zoning Director is optional.
- B. Application Forms and Submittals.** All applications required under this Zoning Code must be submitted with all required information on such forms, and in such number, as required by the Planning and Zoning Director. The Planning and Zoning Director shall have the authority to request additional information not specifically listed on the application forms to ensure compliance with this Code. All applications must be accompanied by required application fees in accordance with Section 21.10.050.
- C. Review for Completeness.** All applications must be submitted to the Planning and Zoning Director. Within no more than 15 days of receipt of an application, the Planning and Zoning Director will determine whether the application is complete. If the Planning and Zoning Director determines that the application is not complete, the Director will promptly notify the applicant in writing, specifying the deficiencies of the application, including any additional information that must be supplied and that no further action will be taken by the City on the application until the deficiencies are corrected.
- D. Correction of Deficiencies.** If the applicant fails to correct the specified deficiencies within 15 days of the date of notification of deficiency, the application will be deemed withdrawn and will be returned to the applicant. The Planning and Zoning Director, upon written request,

may, for good cause shown and without any notice or hearing, grant extensions of the maximum 15 day time limit for remedying deficiencies.

- E. Staff Review and Report.** If staff reports are provided for as part of the procedures for a specific type of application required by the Zoning Code, the Planning and Zoning Director will circulate an application for review by the Planning and Zoning Department and by any other city department that the Planning and Zoning Director or the decision making body deems appropriate.
- F. Application Forwarded to Decision-Making Body.** Any application submitted to the Planning and Zoning Director for decision by the Planning Commission, Board of Appeals, or other decision making bodies will be forwarded to that decision making body after the Director determines the application is complete.
- G. Coordinated Processing of Applications.** If more than one type of application is required pursuant to the Zoning Code, the Planning and Zoning Director will, to the extent possible, simultaneously process applications related to the same proposed development or activity, so long as all Zoning Code requirements for a particular application are satisfied.

21.10.020 Notice Requirements

- A. Notice to Abutting Property Owners.** If the Zoning Code Division II provisions applicable to a specific type of application provide for notice to abutting property owners, unless specific notice procedures are otherwise provided for in another Zoning Code chapter, notice must be given as follows:
 - 1. The applicant must send written notification to all parties in interest and property owners within 200 feet of the property boundary. Notice of public hearings must be mailed not less than 15 days prior to the date of hearing[CG9].
 - 2. Prior to any public meeting or public hearing on an application, the applicant must provide the Planning and Zoning Director with verification of mailing of written notification. An applicant must provide evidence that notices of the public hearing was mailed not less than 15 days prior to the date of hearing.
 - 3. The notification must be posted at a designated central location for similar notices at the Department of Planning and Zoning.
- B. Notice of Formal Public Hearing.** If notice of a formal public hearing is required, unless specific notice procedures are otherwise provided for in another Division II chapter of the Zoning Code, notice must be given as follows:
 - 1. Notice of the application and any required public hearings at which the application will be considered shall be published in a newspaper of general circulation in the city no fewer than once each week for two successive weeks. The first notice of the hearing must be at least 15 days before the hearing.
 - 2. Notice must be posted on the property that is the subject of an application at least 15 days prior to any public hearing on the application and in a manner prescribed by the Planning and Zoning Director. Any sign posted on a property by an applicant must be removed by the applicant within seven days following the close of the public hearing.

C. Notice of Public Meeting. If notice of a public meeting at which an application may be considered is required, unless specific notice procedures are otherwise provided for in another Division II chapter of the Zoning Code, notice must be given as follows:

1. Notice of the application and any public meeting at which the application will be considered shall be published in a newspaper of general circulation in the city no fewer than seven days before the meeting.
2. Notice must be posted on the property that is the subject of an application at least seven days prior to any public meeting on the application and in a manner prescribed by the Planning and Zoning Director. Any sign posted on a property by an applicant must be removed by the applicant within seven days following the public meeting.

D. Summary of Public Meeting and Hearing Requirements. The table below summarizes the types of applications requiring a public meeting or public hearing and the city official or decision making body responsible for conducting the meeting or hearing. If more than one application or approval is required for a proposed development or activity, public hearings on each application may be simultaneously held by a decision making body on related applications.

Summary of Public Meetings (PM) and Public Hearings (PH)

Type of Application	Planning and Zoning Director	Planning Commission	Board of Appeals	Historic Preservation Commission	City Council
Administrative Adjustment	Optional PH				
Appeal			PH		
Certificate of Approval				PH	
Change of Nonconforming Use	PH				
Demolition Permits	Optional PM				
Expansion of Nonconforming Use	Review	PH	PH		
Minor Site Design Plan	Optional PM				
Major Site Design Plan	Optional PM	Optional PH			
Residential and Business Planned Developments	Optional PM	PH			
Special Mixed Planned Developments	Optional PM	PM	PH		
Special Exceptions	Review	PM	PH		
Variance			PH		
Zoning District Boundary Adjustment			PH		
Zoning Text Amendment		PH			PH
Zoning Map Amendment		PH			PH

21.10.030 Administrative Procedures for Review of Applications

- A. Applications Decided by the Planning and Zoning Director.** Any application submitted to the Planning and Zoning Director for a decision by the Director shall be on forms specified by the Director. All applications must be accompanied by the information specified on the application form and in the Zoning Code and the required filing fee set forth in the fee schedule adopted by resolution of the City Council. The Planning and Zoning Director will process applications in accordance with the common procedures set forth in Section 21.10.010, unless the Planning and Zoning Director grants a waiver from any requirements of that section or unless otherwise specifically provided in another chapter of Zoning Code Division II. The Director may request additional studies, acquire additional data, or provide the applicant an opportunity to submit plan revisions.
- B. Decision by Planning and Zoning Director.** The Planning and Zoning Director must render a decision to approve, conditionally approve, or deny an application in accordance with the time for decision established by this Code. Unless otherwise specifically provided in Zoning Code Division II, the Planning and Zoning Director will decide an application no later than 30 days after a determination of completeness of the application, unless the applicant consents in writing to additional time. The Director will promptly send written notice of any decision to the applicant and any other party previously receiving notice of the application.

21.10.040 Board of Appeals Procedures[CG10]

- A. Applications Decided by the Board of Appeals.** In addition to such other rules that the Board of Appeals may adopt, the following procedures will apply to all matters before the Board:
1. **Meetings.** Meetings of the Board shall be held at the call of the chair and at other times as the board determines. The chair or, in the chair's absence, the acting chair, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public and relevant testimony and evidence accepted from all interested parties. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating that fact, and shall keep records of its examination and other official actions, all of which shall be filed immediately with the department of planning and zoning and shall be a public record.
 2. **Appearance and Practice.** An individual may appear in that person's behalf; a member of a partnership may represent the partnership; a bona fide officer or representative of a corporation, trust or association may represent the corporation, trust or association; and an officer or employee of a political subdivision or body or department may represent the political subdivision, body or department. A person, firm or corporation may be represented in any proceedings by an attorney at law admitted to practice before the court of appeals of this state or other authorized representative.
 3. **Testimony and Evidence.** In addition to the applicant, relevant testimony and evidence either in favor of or in opposition to the applicant may be presented by:
 - a. Owners of property within the city.
 - b. Taxpayers of the city.
 - c. Residents of the city.
 - d. Any other persons not identified above whose personal or property interest may be affected specially by the granting or denial of the application.
 - e. Representatives of civic or community associations, or of governmental-established groups whose functional or property interest may be affected specially by the granting or denial of the application.
 - f. Attorneys and other agents or experts appearing on behalf of those persons listed above.
- B. Communicating With Board Members.** A person may not communicate outside of a public hearing or public meeting with any member of the Board of Appeals regarding any matter while the matter is pending. A person who violates any provision of this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000 or imprisonment not exceeding six months or both. Each act of communication in violation of this section is a separate offense.
- C. Construction of Section.** As used in this section, the term "applicant" includes a "petitioner" or "appellant" as the case may be, and the other provisions of this section shall be interpreted accordingly in consideration of the type of matter being heard.

21.10.050 Fees and deposits[CG11]

A schedule of fees in connection with applications pursuant to this Zoning Code, including the provision of public notice of any hearings required in connection with such applications (the “Fee Schedule”), shall be established by resolution of the City Council. The current Fee Schedule will be available upon request from the Planning and Zoning Director.

Chapter 21.12 Use and Occupancy Permits 121

Sections:

21.12.010	Purpose and Authority
21.12.020	Application Requirements
21.12.030	Procedures
21.12.040	Review Criteria
21.12.050	Expiration
21.12.060	Violations
21.12.070	Appeals

21.12.010 Purpose and Authority

For the purposes of this Zoning Code and in the furtherance of Annapolis City Code Chapters 17.04 through 17.32, 17.52, 19.08 and 19.12, no use or occupancy shall be made of any structure and no change in use shall be permitted unless and until a use and occupancy permit has been approved by the Planning and Zoning Director and the Director of Neighborhood and Environmental Programs in accordance with the provisions of this chapter.

21.12.020 Application Requirements

- A. **Applicability.** A use and occupancy permit shall be obtained from the Planning and Zoning Director and the Director of Neighborhood and Environmental Programs before any person shall:
1. Use or occupy, or permit or cause to be used or occupied, any building erected after the effective date of this Zoning Code.
 2. Change the use or permit or cause a change in the use of any existing building or to make any change in a nonconforming use.
 3. Occupy or use any vacant land.
 4. Enlarge any use with respect to the unit of measurement specified in this Zoning Code as the basis for determining the amount of off-street parking, whether the same is specified in terms of floor area, dwelling units, seats or any other element of size or use.
- B. **Eligible Applicants.** No person may submit an application for a use and occupancy permit if that person or if the owner, occupier or tenant of the subject property shall have been issued any pending, unsatisfied, or unpaid citation for any municipal infraction or misdemeanor provided by the City building laws or Zoning Code or Charter or if any such person shall have not completed any remedial or corrective action ordered by any department of the City charged with the enforcement of said laws. For the purposes of this section, a building and/or Zoning Code citation or order pending before any City board, commission, agency or department or before any court shall be considered pending, unsatisfied, unpaid and not completed.
- C. **Affidavit of Eligibility.** The applicant shall submit with its application for a use and occupancy permit, an affidavit affirming under penalty of perjury that neither the applicant nor any owner, occupier or tenant of the subject property has been issued any pending, unsatisfied or unpaid citation, and that no such person has failed to complete any remedial or corrective action ordered by a department of the City as described above in Section 21.12.020B.

- D. **Waiver.** The Director of Neighborhood and Environmental Programs, in consultation with the City Attorney, may waive the requirements of the above Sections 21.12.020B and C after the Director makes a written determination that for reasons set forth therein, such a waiver is in the best interest of the City and does not imperil or prolong an existing peril to life or property.

21.12.030 Procedures

- A. **Application Procedures.** All applications for a use and occupancy permit shall be submitted to the Director of Neighborhood and Environmental Programs in accordance with the requirements established by the Director of Neighborhood and Environmental Programs and the following requirements:
1. An application for a use and occupancy permit may be made in writing and be signed by the property owner or applicant, if not the property owner, attesting to the truth and exactness of all information supplied on the application form provided by the Director of Neighborhood and Environmental Programs.
 2. Application for a use and occupancy permit shall be made at the same time as the application for a building permit and a written request for issuance shall be made to the Director of Neighborhood and Environmental Programs after the completion of the work covered by the building permit.
 3. The Director of Neighborhood and Environmental Programs shall forward an application for a use and occupancy permit for the use of vacant land or for a change in the use of land or a building, for a change in a nonconforming use, for the enlargement of a use, or for the continuation of a use to the Planning and Zoning Director for review.
- B. **Review Procedures.** The Director of Neighborhood and Environmental Programs shall inform the applicant in writing of the Director's decision within 30 days of the determination of completeness of the application.

21.12.040 Review Criteria

If the proposed use is in conformity with the provisions of this Zoning Code and all other applicable regulations, the Director of Neighborhood and Environmental Programs may issue a use and occupancy permit after the structure has passed all applicable final inspections by other city departments, including but not limited to building, electrical, mechanical and fire inspections.

21.12.050 Expiration

A use and occupancy permit authorizes and is required for both initial and continued occupancy and use of the building or land to which it applies, and shall continue in effect so long as the building or land and the use of the building or land is in full conformity with all applicable provisions of this Code and any requirement made pursuant to this Code.

21.12.060 Violations

No use and occupancy permit validates any violation of any provision of any law or ordinance. On the final determination and serving of a notice of a violation of any provisions or requirements with respect to any building or land or the use of any building or land, the use and occupancy permit for the use shall become null and void, and a new use and occupancy permit shall be required for the building or land.

21.12.070 Appeal

An appeal of a decision of the Director of Neighborhood and Environmental Programs on a use and occupancy permit application must be made to the Board of Appeals in conformance with the provisions of Chapter 21.30.

Chapter 21.14 Demolition Permits

Sections:

21.14.010	Purpose and Authority
21.14.020	Procedures
21.14.030	Application Requirements
21.14.040	Review Criteria
21.14.050	Appeal

21.14.010 Purpose and Authority

- A. Buildings and structures located outside the historic overlay district.** Pursuant to the requirements of this chapter, the Planning and Zoning Director shall review and decide applications for demolition of the following types of buildings or structures:
1. Maryland Inventory of Historic Places. Any application for demolition of a building or structure listed on the Maryland Inventory of Historic Places but outside of an Historic Overlay District established pursuant to Chapter 56.
 2. National Register District. Any application for demolition of a building or structure located in a National Register District, but outside of a Historic Overlay District established pursuant to Chapter 21.56.
 3. All buildings and structures within the following zoning districts:
 - a. R2 Neighborhood Conservation District
 - b. R3 Neighborhood Conservation District
 - c. R3 Neighborhood Conservation District 2
 - d. R3 Revitalization District
 - e. R4 Revitalization District
 - f. Office and commercial design overlay  rict[CG13]
- B. Buildings and structures located in the historic overlay district.** Any application for demolition of a building or structure located in the historic overlay district is subject to review by the Historic Preservation Commission pursuant to the provisions of Chapter 21.56.

21.14.020 Procedures

- A. Application Procedures.** Applications for a demolition permit shall be submitted in accordance with the procedures set forth in Chapter 17.12 of the Annapolis City Code  [CG14].
- B. Review of Application.** In the review of demolition applications, submitted for review pursuant to the requirements of this Chapter, the following procedures shall apply:
1. Staff Review. The Planning and Zoning Director, after having determined that the submission is complete, may distribute copies of the application to appropriate city departments for review.

2. **Staff Report.** Any city department reviewing the application will prepare a staff report on the application and transmit the staff report to the Planning and Zoning Director.
 3. **Optional Public Hearing.** The Planning and Zoning Director may hold a public hearing within 30 days of submission of a demolition application, if the Director finds the structure proposed for demolition to be significant with respect to the purposes of the zoning district in which the structure is located. Notice of the public hearing must be given by the applicant in accordance with the notice requirements set forth in Section 21.10.020A and 21.10.020B.
- C. **Action on Application.** Within 30 days of the submission of a demolition application, or within 30 days from the conclusion of any public hearing held on a demolition application, the Planning and Zoning Director shall act as follows:
1. The Planning and Zoning Director may approve the demolition application if the Director finds that the application meets the review criteria established in this chapter.
 2. If the Planning and Zoning Director finds that the demolition of the structure is not in accord with the review criteria of this chapter, the Planning and Zoning Director shall notify the applicant in writing of this finding.
 3. The Planning and Zoning Director may recommend that the owner(s) of the structure attempt to formulate an economically feasible plan for preservation of the structure or other alternatives to demolition of the structure. If no economically feasible plan or alternative can be formulated, the Planning and Zoning Director shall have 90 days, from the time it concludes that no economically feasible plan or alternative can be formulated, to negotiate with the owner(s) and other parties in an effort to find a means of preserving the structure.
 4. At the end of such 90 day period, if no means of preserving the structure has been found, the Planning and Zoning Director shall either approve, approve with modifications, or deny the demolition application.
- D. **Amendment of Application.** The Planning and Zoning Director, before disapproving any application, may return the application to the applicant, who may amend the application, plans or specifications in order to bring the proposal into compliance with this Zoning Code, after which the Director shall proceed to decide the application as if it were an original submission.

21.14.030 Application Requirements

- A. **Plans.** Applications for demolition pursuant to this chapter shall be accompanied by plans, as required by the Planning and Zoning Director. Applications shall at a minimum show the existing ground area, height and bulk of the building or structure, the building lines in relation to lot lines, plans for any proposed replacement structure and its proposed use, and any other information required by the Director[CG15].
- B. **Waivers.** If the Planning and Zoning Director determines that any required information is not necessary, the Director may waive any of the application submittal requirements.

21.14.040 Review Criteria

In deciding demolition applications, the Planning and Zoning Director shall make written findings based on the following:

- A. **Significance of Structure.** The extent of the historic, cultural, archaeological, or architectural significance of the structure proposed for demolition and the value of the structure for its historic, cultural, archaeological, or architectural significance.
- B. **Effect on Significant Historic Resources.** The extent to which the demolition of the structure will have an adverse effect on resources within a National Register District, if applicable, or other surrounding historic, cultural, archaeological, or architectural resources of significance.
- C. **Significance to the Purposes of the Zoning District.** The extent to which the loss of the structure would be adverse to the purposes of the zoning district in which the structure is located and would adversely affect the character of the neighborhood and the zoning district.
- D. **Relationship to Other Structures.** The relationship of the exterior architectural features of the structure proposed for demolition to other structures located in the National Register District, if applicable, or other structures listed on the Maryland Inventory of Historic Places and the extent to which demolition of the structure would impair the relationship with other significant historic, cultural, archaeological, or architectural resources.
- E. **Compatibility of Proposed Structure.** The general compatibility of any proposed structure, in terms of exterior design, scale, proportion, arrangement, texture, and materials, to the National Register District, if applicable, or to other historic resources in the surrounding area.
- F. **Public Benefits.** The extent to which the structure is a deterrent to a major improvement program which will be of substantial benefit to the city.
- G. **Financial Hardship.** The extent to which the retention of the structure would cause financial hardship to the owner.

21.14.040 Appeal

Any appeals of a decision of the Planning and Zoning Director pursuant to this chapter must be made to the Board of Appeals in conformance with the provisions of Zoning Code Chapter 21.30.

Chapter 21.16 Administrative Interpretations

Sections:

21.16.010	Purpose and Authority
21.16.020	Requirements
21.16.030	Procedures
21.16.040	Review Criteria
21.16.050	Effect of Administrative Interpretations
21.16.060	Appeals

21.16.010 Purpose and Authority

- A. **Purpose.** This chapter establishes a formal process by which applicants may seek interpretations of the Zoning Code to clarify how provisions would be applied to a particular property. This Chapter is intended to recognize that, as a practical matter, an administrative interpretation may be required to resolve or clarify how the specific provisions of this Code should be interpreted in light of the general and specific purposes for which those provisions were enacted.
- B. **Authority.** The Planning and Zoning Director, subject to the limitations of this Chapter, is authorized to render a decision on the interpretation of the provisions of this Zoning Code as applied to specific cases. This Chapter is not intended to add to or change the essential content of this Code.

21.16.020 Requirements

- A. **Applicability.** Applications for interpretations may be filed by a property owner or authorized agent of the property owner having need for an interpretation. However, interpretations shall not be given to any person based solely on hypothetical facts or where the interpretation would have no effect other than as an advisory opinion.
- B. **Application Requirements.** Applications for administrative interpretations shall contain at least the following information:
 - 1. The specific provision or provisions of this Code for which an interpretation is sought.
 - 2. The facts of the specific situation giving rise to the request for an interpretation.
 - 3. The precise interpretation claimed by the applicant to be correct.
 - 4. When a use interpretation is sought, a statement of what use permitted under the current zoning classification of the property that the applicant claims either includes the proposed use, or is most similar to, the proposed use.
 - 5. When a use interpretation is sought, documents, statements, and other evidence demonstrating that the proposed use will comply with all use limitations established for the district in which it is proposed to be located.

21.16.030 Procedures

An application for an interpretation of the Zoning Code shall be filed and reviewed in accordance with the Section 21.10.030 Administrative Procedures for Review of Applications. The Planning and Zoning Director shall inform the applicant in writing of the Director's decision within 30 days of the determination of completeness of the application and will state the reasons and analysis upon which the determination is based.

21.16.050 Review Criteria

The following criteria shall govern the Planning and Zoning Director, and the Board of Appeals on appeals from the decision of the Planning and Zoning Director, in issuing decisions on applications seeking interpretations:

- A. Definitions.** Any term defined in Chapter 21.72, shall be interpreted as therein defined.
- B. Special Exception.** If a proposed use is most similar to a use permitted as a special exception in the district in which it is proposed to be located, then any use interpretation permitting such use shall, depending upon the use, also require approval of a special exception pursuant to the provisions of Chapter 21.26.
- C. Prohibited Uses.** Any use listed without a P, P-Std, S, or S-Std designation in the use regulation table for a district shall be interpreted as prohibited in that district.
- D. Uses or Other Zoning District Requirements.** All administrative interpretations shall result in interpretations of uses or other zoning district requirements that are substantially the same as other similar provisions applicable in that zoning district and not more similar to the use or other provisions applicable in a different zoning district.
- E. Standards Applicable in Zoning District.** No interpretation shall permit a proposed use or other interpretation of a provision applicable in a particular zoning district, unless evidence is presented that demonstrates that the proposed interpretation would result in compliance with the standards established for that particular zoning district.
- F. Purpose.** No decision on an application for administrative interpretation shall result in an interpretation that would be inconsistent with the stated purposes of the district and of the Zoning Code.

21.16.060 Effect of Administrative Interpretations

- A. Other Required Approvals.** A decision approving the interpretation proposed in the application for administrative interpretation shall not authorize the establishment of such use nor the development, construction, reconstruction, alteration, or moving of any building or structure. It shall merely authorize the preparation, filing, and processing of applications for any approvals and permits that may be required by this Zoning Code.
- B. Limitation on Administrative Interpretation.** A decision finding a particular use to be permitted as of right or as a special exception shall be deemed to authorize only the particular use for which the interpretation is issued, and such interpretation shall not be deemed to authorize any allegedly similar use for which a separate use interpretation has not been issued.

21.16.080 Appeals

Appeals from decisions rendered by the Planning and Zoning Director may be made by any aggrieved person to the Board of Appeals in accordance with the provisions of Chapter 21.30.

Chapter 21.18 Administrative Adjustments 161

Sections:

21.18.010	Purpose and Authority
21.18.020	Procedures
21.18.030	Permitted Administrative Adjustments
21.18.040	Review Criteria and Findings
21.18.050	Expiration
21.18.060	Appeals

21.18.010 Purpose and Authority

The Planning and Zoning Director is authorized to determine and make administrative adjustments of this Zoning Code in harmony with their general purpose and intent, only in the specific instances set forth in this Zoning Code, where the Director makes findings of fact in accordance with the standards prescribed in this Chapter; and finds that there are practical difficulties in carrying out the regulations of this Zoning Code.

21.18.020 Procedures

- A. **Application Procedures.** All applications for administrative adjustments shall be filed with the Planning and Zoning Director in accordance with the requirements of Section 21.10.010 Common Procedures for Review of Applications.
- B. **Review Procedures.** In the review and decision of administrative adjustment applications, the following procedures shall apply:
 1. **Staff Review.** The Planning and Zoning Director, after having determined that the submission is complete, may distribute copies of the application to appropriate city departments for review.
 2. **Staff Report.** Any City department reviewing the application will prepare a staff report on the application and transmit the staff report to the Planning and Zoning Director prior to the required public hearing on the application.
 3. **Optional Public Hearing.** The Planning and Zoning Director may hold a public hearing on each application. Notice of any public hearing must be given by the applicant in accordance with the notice requirements set forth in Section 21.10.020A and 21.10.020B.
 4. **Action on Application.** Within 30 days of the conclusion of the public hearing, the Planning and Zoning Director shall decide to: (1) approve the application, (2) approve the application subject to specific conditions; or (3) deny the application. The Planning and Zoning Director's decision shall be based on written findings of fact and may impose such conditions or restrictions upon the premises benefited by an administrative adjustment as may be necessary to comply with the standards established in this Chapter and the purposes of this Zoning Code.
 5. **Notice of Decision.** At the applicant's expense, the Planning and Zoning Director will mail a copy of the decision to the applicant and any other party previously receiving notice of the application.

21.18.030 Permitted Administrative Adjustments

Administrative adjustments from the regulations of this Zoning Code may be granted by the Planning and Zoning Director only in accordance with the criteria established in this Chapter, and may be granted only for the following:

- A. **Setbacks.** To permit any yard or setback of up to 20 percent less than a yard or a setback required by the applicable regulations.
- B. **Parking.** To increase by not more than 20 percent the maximum distance that required parking spaces are permitted to be located from the use served.
- C. **Lot Coverage.** To increase by not more than 20 percent the lot coverage restrictions, except that administrative adjustments of lot coverage restrictions shall not be permitted in the Critical Area Overlay District.
- D. **Signs.** To adjust the limitations for signs in the specific instances set forth in section 21.70.120[CG17].
- E. **Specific Zoning District Provisions.** The zoning district provisions applicable to specific zoning districts, as provided in Division III, may authorize other permitted administrative adjustments. In Chapter 21.52, Critical Area Overlay, these adjustments are referred to as administrative variances.

21.18.040 Review Criteria and Findings

The Planning and Zoning Director shall not grant an administrative adjustment of the regulations of this Zoning Code unless the Director makes findings based upon the evidence presented in each specific case that:

- A. **Practical Difficulties.** The particular physical surroundings, shape or topographical conditions of the specific property involved result in practical difficulties for the owner, which have not been created by any persons having an interest in the property.
- B. **Unique Conditions.** The conditions upon which an application for an adjustment is based are unique to the property for which the administrative adjustment is sought, and are not applicable, generally, to other property within the same zoning classification.
- C. **Public Safety and Welfare.** The granting of the adjustment will not be detrimental to the public safety or welfare or injurious to other property or improvements in the neighborhood in which the property is located.
- D. **Transportation Plan.** In the case of an adjustment to the maximum distance that required parking spaces are permitted to be located from the use served, that the adjustment will be in support of a transportation plan adopted by the City Council[CG18].

21.18.050 Expiration

No decision of the Planning and Zoning Director granting an administrative adjustment shall be valid for a period longer than one year from the date of the order, unless the building permit is obtained within that period and the erection or alteration of a building is started or the use is commenced within that period. However, the Planning and Zoning Director may, upon a showing of good cause, grant one six month extension of an administrative adjustment, provided that a written application for each extension is filed while the decision is still valid.

21.18.060 Appeals

Any appeals of a decision of the Planning and Zoning Director must be made to the Board of Appeals in conformance with the provisions of Chapter 21.30.

Chapter 21.20 Zoning District Boundary Adjustments

Sections:

21.20.010	Purpose and Authority
21.20.020	Procedures
21.20.030	Review Criteria and Findings
21.20.040	Expiration
21.20.050	Appeals

21.20.010 Purpose and Authority

Where a zoning district boundary divides a tract in single ownership, the Board of Appeals, in accordance with the procedures below, may approve an application to extend the zoning district regulations for either portion of the tract to any contiguous portion of the tract included in a zoning district listed in the same subsection of Section 21.06.10 as the regulations being extended; provided, however, that the Board shall not extend the regulations to an extent greater than 20 percent of the total area of the tract or 5,000 square feet, whichever is less.

21.20.020 Procedures

- A. **Application Procedures.** All applications for zoning map adjustments shall be filed with the Planning and Zoning Director in accordance with the requirements of Section 21.10.010 Common Procedures for Review of Applications.
- B. **Review Procedures.** In the review and decision of applications for zoning map adjustments, the following procedures shall apply:
 - 1. **Staff Review.** The Planning and Zoning Director, after having determined that the submission is complete, may distribute copies of the application to appropriate city departments for review.
 - 2. **Staff Report.** The Planning and Zoning Director, prior to the required public hearing on the application, will prepare a staff report on the application and transmit the staff report to the Board of Appeals.
 - 3. **Public Hearing.** The Board of Appeals shall hold a public hearing on the application. Notice of the application must be given by the applicant in accordance with the notice requirements set forth in Section 21.10.020A and 21.10.020B.
 - 4. **Action on Application.** Within 30 days of the conclusion of any public hearing or of receipt of the application by the Board of Appeals if no public hearing is held, the Board of Appeals shall decide to: (1) approve the application, (2) approve the application subject to specific conditions; or (3) deny the application. The Board of Appeals may impose such conditions or restrictions upon the premises benefited by a zoning map adjustment as may be necessary to comply with the standards established in this Chapter and the purposes of this Zoning Code.
 - 5. **Notice of Decision.** At the applicant's expense, the Board of Appeals will mail notice of its decision to the applicant and those receiving notice of the application.

21.20.040 Review Criteria and Findings

The Board of Appeals may grant a zoning map adjustment based upon the following findings

- A. Unique Conditions.** The conditions upon which an application for a zoning map adjustment are unique to the property and are not applicable, generally, to other property within the same zoning classification.
- C. Public Welfare and Safety.** The granting of the map adjustment will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.
- D. Surrounding Properties.** The proposed adjustment will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values with the neighborhood.

21.20.060 Appeals

An appeal from a decision of the Board of Appeals under this chapter shall be made to the Circuit Court of Maryland for Anne Arundel County pursuant to Maryland Rules, Title 7, Chapter 200 or its successors. Alternatively, applicants may apply for a zoning map amendment pursuant to the provisions of Chapter 21.34.

Chapter 21.22 Site Design Plan Review

Sections:

21.22.010	Purpose
21.22.020	Applicability and Classifications
21.22.040	Plan Preparation and Submission Stages
21.22.050	Waivers
21.22.060	Procedures for Major Site Design Plan Applications
21.22.070	Procedures for Minor Site Design Plan Applications
21.22.080	Review Criteria and Findings
21.22.090	Expiration
21.22.100	Performance and Enforcement
21.22.110	Modification of Approved Plans
21.22.120	Appeal

21.22.010 Purpose

The purpose of this chapter is to ensure that property is developed with sound planning and design principles while allowing flexibility of design. The intent is to ensure reasonable consideration of, among other things, the character of the area in which a property is located, the desire to enhance the value of buildings and encourage orderly development, and the relationship between the built and natural environments. It is the further intent of this chapter that the required site design plan will be reviewed in conjunction with plans required by other chapters of this Zoning Code to ensure a thorough, coordinated and timely review of development proposals by and among the appropriate city departments.

21.22.020 Applicability and Classifications

A. Applicability. A site design plan application shall be required for:

1. All new developments, construction, enlargement or alteration of any building, other than a single-family or two-family dwelling, and other than development approved as part of a planned development pursuant to the provisions of Chapter 21.24.
2. All new developments, enlargements and alteration on sites located in the Critical Area Overlay District pursuant to Chapter 21.54, except for activities associated with single-family or two-family dwellings.
3. Any modification of a previously approved site design plan deemed to be a major modification by the Planning and Zoning Director.
4. All subdivisions not specified under Annapolis City Code Section 20.08.030; provided, however, review shall be limited to the criteria and standards in Section 21.22.080 and any other standards applicable in the zoning district.

B. Classification of Minor and Major Site Design Plans. For the purposes of this chapter, the following classifications shall apply:

1. "Major site design plan" means a site design plan which involves new construction, alterations or renovations resulting in an increase of greater than 20 percent of the gross floor area of the buildings, or where the number of parking spaces is increased by more than 20 percent.

2. "Minor site design plan" means any site design plan that is not a major site design plan.

21.22.040 Plan Preparation and Submission Stages

All site design plans must be prepared by a registered architect, licensed landscape architect, licensed land surveyor, and/or professional engineer. Plans may be submitted in two stages as follows:

- A. Preliminary Plan.** A preliminary plan shall meet all requirements listed on application forms prescribed by the Planning and Zoning Director.
- B. Final Plan.** A final plan shall meet the requirements all requirements listed on application forms prescribed by the Planning and Zoning Director.

21.22.050 Waivers

- A. Request for Waiver.** Upon request by an applicant, and depending upon the size, scope and potential impacts of a proposed development or activity, the Planning and Zoning Director may waive the requirement for submission of a preliminary plan or other major site design plan application submission requirements. If the Planning and Zoning Director waives the requirement for a preliminary plan, the Director may require that any information required to be shown on that plan be shown on subsequent plans submitted by the applicant.
- B. Decision on Waiver.** In deciding whether to grant requested waivers, the Planning and Zoning Director will consider any special conditions peculiar to a site and whether information required is inappropriate or unnecessary. The Planning and Zoning Director may waive submission requirements if the Director finds that the waiver will not be detrimental to the public health, safety, or general welfare or have the effect of nullifying the intent and purpose of the site design plan submission, the comprehensive plan, or this chapter; and that the application materials to be provided are adequate to make the required findings based on the criteria set forth below in Section 21.22.080.

21.22.060 Procedures for Major Site Design Plan Applications

- A. Application Procedures.** Applications for major site design plan review shall be decided by the Planning Commission. All applications for major site design plan review must be submitted in accordance with the requirements of Section 21.10.010 Common Procedures for Review of Applications, including a pre-application conference with the Planning and Zoning Director in accordance with the requirements of Section 21.10.010.A.
- B. Review Procedures for Major Site Design Plan Applications.** In the review and decision of major site design review applications, the following procedures shall apply:
 - 1. Review of Preliminary or Final Site Design Plan.** The Planning and Zoning Director will review any required preliminary plan submitted in connection with major site design plan applications. The Planning and Zoning Director will respond to the applicant with written comments on the preliminary plan within 30 days of the determination of completeness of the submission.
 - 2. Staff Review.** The Planning and Zoning Director, after having determined that the submission is complete, may distribute copies of the preliminary plan or final plan to appropriate city departments for review.

3. **Optional Public Meeting on Preliminary or Final Plan.** If the Planning and Zoning Director deems necessary, the Director may hold a public meeting for the review of the preliminary or final site design plan; or may recommend to the Planning Commission that the Planning Commission hold a public meeting on the preliminary or final site design plan. Notice of the public meeting must be given by the applicant in accordance with the notice requirements set forth in Section 21.10.020.C.
4. **Staff Report.** Following review of any final major site design plan, the Planning and Zoning Director will prepare a staff report on the application and transmit the staff report to the Planning Commission prior to the required Planning Commission public hearing.
5. **Optional Public Hearing.** The Planning Commission may hold a public hearing on the completed application. The applicant will give notice of the hearing in accordance with the notice requirements set forth in Section 21.10.020A and 21.10.020B and any other requirements established by the Planning Commission.
6. **Decision by Planning Commission.** Any staff reports received by the Planning Commission will be considered at the public hearing. Within 30 days of the conclusion of the public hearing, the Planning Commission shall decide to: (1) approve the application, (2) approve the application subject to specific conditions; or (3) deny the application.

21.22.070 Procedures for Minor Site Design Plan Applications

- A. **Application Procedures.** Applications for minor site design plans shall be decided by the Planning and Zoning Director. All applications for minor site design review must be submitted in accordance with the requirements of Section 21.10.010 Common Procedures for Review of Applications.
- B. **Review Procedures for Minor Site Design Plans.** In the review of minor site design plan applications, the following procedures shall apply:
 1. **Review of Preliminary Plan.** In the case of a preliminary plan submission, the Planning and Zoning Director will respond to the applicant within ten days of the determination of completeness of the submission.
 2. **Staff Review and Report.** The Planning and Zoning Director, after having determined that the preliminary plan or final plan submission is complete, may distribute copies of the preliminary plan or final plan to the appropriate city departments for review. Within ten days of receipt of any preliminary or final minor site design plan, any city department reviewing the application will prepare a staff report on the application and transmit the staff report to the Planning and Zoning Director.
 3. **Optional Planning Director Public Meeting.** If the Planning and Zoning Director deems necessary, the Director may hold a public meeting for the review of the preliminary or final minor site design plan. Notice of the public meeting scheduled by the Planning and Zoning Director must be given by the applicant in accordance with the notice requirements set forth in Section 21.10.020A and 21.10.020C.
 4. **Review and Decision on Preliminary and Final Plan.** The Planning and Zoning Director shall review, approve, approve subject to modifications or disapprove the preliminary or final site design plan within 30 days from the date of the close of any public meeting on the application; or if no public meeting is held, within 30 days of the determination of completeness of the preliminary or final minor site design plan application.

21.22.080 Review Criteria and Findings

The decision of the Planning Commission or the Planning and Zoning Director shall be based on findings with respect to the following:

- A. **District Standards.** The proposed design plan meets all of the requirements of the zoning district in which it is located, including but not limited to the site design standards set forth in Chapter 21.62.
- B. **Design.** The proposed design is in harmony with the character of the surrounding neighborhood and the comprehensive plan and achieves a maximum of compatibility, safety, efficiency, and attractiveness.
- C. **Compatibility.** Each improvement, building and/or use is compatible with other uses and with existing and proposed developments on adjacent land.
- D. **Minimize Adverse Impacts.** The proposed structures are sited in order to minimize any adverse impact upon the surrounding area by reason of: building location, height, bulk, shadows; location, intensity, direction and times of use of outdoor lighting or other similar characteristics.
- E. **Building Locations.** The proposed locations of the buildings and structures, open spaces, landscape elements, and pedestrian and vehicular circulation systems are adequate, safe, and efficient.
- F. **Natural Features.** The proposed design results in minimal modification of existing geological and topographic features where practicable.
- G. **Slopes and Soils.** The proposed design minimizes degradation of unique or sensitive lands, such as steep slopes or highly erodible soils.
- H. **Critical Area.** The proposed design minimizes adverse impacts to resources in the Critical Area Overlay District, such as streams, wetlands, areas of aquifer recharge and discharge, areas with a high water table, mature stands of trees and wildlife habitat.

21.22.090 Expiration

- A. **Expiration.** A site design plan approval shall expire within one year of the date of final site design approval if a building permit is not obtained prior to expiration. If substantial site development has not commenced within a period of three years of the date of final site design plan approval, or in the case of larger developments, each phase of the project as indicated on the site design plan, the site design plan approval shall expire.
- B. **Extension.** If an extension is requested prior to the expiration of a site design plan approval, at the discretion of the Planning and Zoning Director, a site design plan approval may be extended by the Director for a period not to exceed three years[CG19].



21.22.100 Performance and Enforcement

Following approval of a major or minor site design plan, the Planning and Zoning Director is responsible for enforcement to ensure compliance with approved site design plans as follows:

- A. **Signature of Final Plan.** The final site design plan shall be signed as follows:

1. The final site design plan shall be signed by the applicant agreeing to execute all the features and requirements that are part of the site design plan.
 2. The site design plan shall be signed by the Planning and Zoning Director or his or her assignee certifying the date of the Director's or the Planning Commission's approval of the final site design plan. The final site design plan shall be forwarded to the appropriate agencies and departments for reference in issuing building permits and use and occupancy permits.
- C. Permits Issued in Compliance with Approved Site Design Plan.** No use and occupancy permit shall be issued for any building or activity requiring site design plan approval, except in conformance with an approved site design plan[CG20].
- D. Posting of Surety.** The Planning and Zoning Director may require that an applicant post adequate surety consisting of a letter of credit, bond, cash or certified check in an amount no less than the estimated cost of the improvements and of a duration to assure that all planting and other improvements as required by the approved site design plan shall be installed in accordance with the standards and specifications of the approved site design plan[CG21].
- E. Noncompliance.** If the Planning and Zoning Director determines that a site has not been developed in accordance with an approved site design plan, the Director may:
1. Issue an order stopping all site development work pending the submittal and approval of a new site design plan, provided that determination is made prior to the time of final site inspection; or
 2. Withhold the use and occupancy permit(s) for building(s) on the site, provided that the determination is made at the time of final site inspection.

21.22.110 Modification of Approved Plans

Approved site design plans may be modified as follows:

- A. Minor Modifications.** The Planning and Zoning Director may authorize minor adjustments in an approved plan as follows:
1. Minor modification of the size and location of drainage ways, sewers, roadways, planting or other similar features, in light of technical or engineering considerations.
 2. Minor modifications of the bulk of any proposed structure provided that the modified dimensions comply with all requirements of the applicable zoning district and do not allow buildings closer to property lines or otherwise adversely affect neighboring properties or the development authorized by the plan as originally approved.
 3. Any request for a modification of any condition imposed in a site design plan approval, which is deemed by the Planning and Zoning Director to be a minor modification.
- B. Modifications to Allow Accessory Uses and Structures.** The Planning and Zoning Director may authorize the development of accessory uses or structures as a minor modification to an approved site design plan as follows:
1. A proposed accessory use or structure may be found to be a minor modification if the accessory use or structure will not adversely affect neighboring properties or the

development authorized by the plan as approved and is compliance with all other applicable Zoning Code provisions.

2. Prior to making a determination regarding whether the proposed accessory use or structure constitutes a minor modification, the Planning and Zoning Director may require notice to abutting property owners, pursuant to the requirements of Section 21.10.020A.
3. If the Planning and Zoning Director deems necessary, the Director shall provide written notification, at the applicant's expense, to the applicant and abutting property owners of the Director's decision to allow an accessory use or structure as a minor modification.
4. An appeal of the Planning and Zoning Director's decision with respect to any minor modification may be made to the Board of Appeals in accordance with the procedures of Chapter 21.30.

- C. Major Modifications.** Modifications to any approved site design plan that the Planning and Zoning Director deems to be a major modification may be approved only in accordance with the procedures required for original plan approval, subject to waivers of plan submission requirements by the Planning and Zoning Director.

21.22.120 Appeal

Any appeals of a decision of the Planning and Zoning Director or Planning Commission must be made to the Board of Appeals in conformance with the provisions of Chapter 21.30.

Chapter 21.24 Planned Developments

Sections:

21.24.010	Purposes and Authority
21.24.020	Use Regulations for Planned Developments
21.24.030	Phasing of Non-Residential Uses
21.24.040	Minimum Area
21.24.050	Bulk and Density Standards
21.24.060	Common Open Space
21.24.070	Procedures for Residential and Business Planned Developments
21.24.080	Procedures for Special Mixed Planned Developments
21.24.090	Rights of Way
21.24.100	Affordable Housing Density Bonus
21.24.110	Planned Development Review Criteria and Findings
21.24.120	Annual Revised Schedule
21.24.130	Expiration
21.24.140	Modification of Approved Plans
21.24.150	Appeals

21.24.010 Purposes, Authority and Types

A. Purposes. The purposes of planned developments are as follows:

1. To allow greater flexibility in order to encourage more creative design for the development of land than is generally possible under conventional zoning district regulations.
2. To promote orderly and thorough planning and review procedures that will result in quality design and counteract the negative effects of monotonous design.
3. To allow the grouping of buildings and a mix of land uses with an integrated design and a coordinated physical plan.
4. To promote development in a manner that protects significant natural resources and integrates natural open spaces into the design of a development project.
5. To encourage a design that takes into account the natural characteristics of the site in the placement of structures.
6. To promote development that is compatible with the goals of the Comprehensive Plan.

B. Types of Planned Developments, Where Permitted

1. There are three types of planned developments: residential planned developments, business planned developments, and special mixed planned developments.
2. Planned developments may be permitted only where listed in the use tables for specific zoning districts in Chapter 21.48 of this Zoning Code.

C. Authority to Approve. The authority to approve planned developments shall be as follows:

1. The Planning Commission is authorized to decide applications for residential planned developments and business planned developments.
2. The Board of Appeals is authorized to decide applications for special mixed planned developments.

21.24.020 Use Regulations for Planned Developments

A. Residential Planned Development.

1. Except for uses specifically prohibited by the Zoning Code, a residential planned development may consist of the following uses:
 - a. Uses that are allowed as permitted uses, uses subject to standards or special exception uses in any residential district.
 - b. Up to ten percent of the ground area or gross floor area of a residential planned development may consist of uses that are allowed as permitted uses or as uses subject to standards in the B1 District.
2. No more than 30 percent of the ground area or of the gross floor area of the development may be devoted to planned development uses^[CG22].

B. Business Planned Development

1. Except for uses specifically prohibited by the Zoning Code, a business planned development may consist of the following uses:
 - a. All uses allowed as a permitted use or use subject to standards in the zoning district in which the business planned development is located^[CG23].
 - b. For business planned developments located in the B1, B2, B3, BCE, P, and MX districts^[CG24], a business planned development may include all uses allowed in any residential district as a permitted use, use subject to standards, or as a special exception.
2. No more than 15 percent of the ground area or of the gross floor area of the development may be devoted to planned development uses.

C. Special Mixed Planned Development

1. Except for uses specifically prohibited by the Zoning Code, a special mixed planned development may consist of all uses allowed as a permitted use, use subject to standards, or as a special exception in any zoning district.
2. No more than 30 percent of the ground area or of the gross floor area of the development may be devoted to planned development uses.

21.24.030 Phasing of Nonresidential Uses

Proposed phases of the planned development must be designed so that no separate building or structure designed or intended to be used, in whole or in part, for business purposes as a planned development use within a residential planned development may be constructed prior to the construction of at least 30 percent of the dwelling units proposed in the planned development plan.

21.24.040 Minimum Area

- A. Area of Residential Planned Development.** Parcels developed as residential planned developments must be of sufficient area to establish ten dwelling units in the R1 and R1A zoning districts or five dwelling units in other zoning districts. For purposes of this subsection, area of parcel shall be determined in accordance with the provisions of Section 21.24.050.B.
- B. Area of Business or Special Mixed Planned Development.** There is no minimum area requirement for parcels developed as business or special mixed planned development.

21.24.050 Bulk and Density Standards

- A. Bulk Standards.** The Planning Commission, in the case of residential and business planned development applications, and the Board of Appeals in the case of special mixed planned development applications, may adjust bulk standards, other than height, that are otherwise applicable in the zoning district except as follows:
 - 1. Except in the case of single-family detached dwellings in residential planned developments, the spacing between principal buildings shall be at least equivalent to the spacing which would be required between buildings similarly developed under the terms of this Zoning Code, on separate zoning lots, due consideration being given to the openness normally afforded by intervening streets and alleys.
 - 2. Along the periphery of the planned development, yards will at a minimum be provided as required by the regulations of the district in which the development is located.
- B. Density Standards.** The following density standards shall apply to planned developments:
 - 1. In a residential planned development, the maximum number of dwelling units may not exceed the number of units determined by dividing the gross development area by the minimum lot area per dwelling unit (or per dwelling unit type if a mix of units is proposed) required by the district or districts in which the development is located. Gross development area shall be the area of the zoning lot as a whole. The area of land set aside for common open space or recreational use may be included in determining the number of dwelling units permitted.
 - 2. In a business or special mixed planned development, the maximum number of dwelling units may not exceed the number of units determined by dividing the gross residential development area by the minimum lot area per dwelling unit required by the R4 district.

21.24.060 Common Open Space

Planned developments shall provide for common open space as follows:

- A.** Common open space may include parks, playgrounds, parkways, medians, landscaped green space, schools, community centers or other similar areas in public ownership or covered by an open space easement or controlled by a homeowners association.
- B.** The area of common open space provided shall be equivalent to 20 percent of the total ground area in residential planned developments and five percent of the total ground area in business and special mixed planned developments.
- C.** Planned development applications shall include provisions for the ownership, conservation, and maintenance of the common open space.

21.24.070 Procedures for Residential and Business Planned Developments

- A. Application Procedures.** All residential and business planned development applications must be submitted to the Planning and Zoning Director in accordance with the requirements of Section 21.10.010 Common Procedures for Review of Applications. Applications must be submitted on forms provided by the Planning and Zoning Director and accompanied by any required fees, preliminary or final plans or other required submittals
- B. Application Options.** An applicant may elect one of the following procedural options:
1. An applicant may submit a preliminary plan for informal review by the Planning and Zoning Director and other city departments the Director deems appropriate, prior to the submission of a final planned development application.
 2. An applicant may submit a preliminary plan for formal review and decision by the Planning Commission.
 3. An applicant may elect to submit only a complete final planned development application.
- C. Review of Preliminary Planned Development Plans.** The following procedures shall apply to the review of preliminary planned development plans.
1. **Staff Review.** The Planning and Zoning Director may distribute copies of a preliminary plan for review by the appropriate city departments.
 2. **Staff Comments on Preliminary Plan.** Following review of any preliminary plan, the Planning and Zoning Director and any other city department reviewing the preliminary plan will provide the applicant with any written comments prepared in connection with the review of the preliminary plan and will transmit a copy of any written comments to the Planning Commission.
 3. **Optional Work Session or Public Meeting.** If the Planning and Zoning Director deems necessary, the Director or the Planning Commission may hold a work session or public meeting for the review of the preliminary plan. Notice of the work session or public meeting must be given by the applicant in accordance with the notice requirements set forth in Section 21.10.020C.
 4. **Public Hearing.** If the applicant requests formal action on a preliminary plan by the Planning Commission, the Planning Commission shall schedule and hold a public hearing on a preliminary planned development application. The applicant shall give notice of the hearing in accordance with the notice requirements set forth in Section 21.10.020A and 21.10.020B and any other requirements established by the Planning Commission.
 5. **Decision on Preliminary Plan.** Within 30 days of the conclusion of the public hearing, the Planning Commission shall decide to: (1) approve the preliminary plan, (2) approve the preliminary plan subject to specific conditions; or (3) deny the preliminary plan.
- D. Review of Final Plans and Application.** The following procedures shall apply to the review of final planned development plans.
1. **Staff Review.** The Planning and Zoning Director shall distribute copies of a final planned development application to appropriate city departments for review after having determined that the submission is complete.

2. **Staff Report.** Following review of any complete final planned development application, the Planning and Zoning Director and any other city department reviewing the application will prepare a staff report on the final planned development application and transmit the staff report to the Planning Commission prior to the required public hearing on the application.
3. **Optional Work Session or Public Meeting.** If the Planning and Zoning Director deems necessary, the Director or the Planning Commission may hold a work session or public meeting for the review of the final plan. Notice of the work session or public meeting must be given by the applicant in accordance with the notice requirements set forth in Section 21.10.020C.
4. **Public Hearing.** The Planning Commission shall schedule and hold a public hearing on the complete final planned development application. The applicant shall give notice of the hearing in accordance with the notice requirements set forth in Section 21.10.020A and 21.10.020B and any other requirements established by the Planning Commission.
5. **Decision on Final Plan and Application.** Any staff reports received by the Planning Commission will be considered at the public hearing. Within 30 days of the conclusion of the public hearing, the Planning Commission shall decide to: (1) approve the application, (2) approve the application subject to specific conditions; or (3) deny the application.

21.24.080 Procedures for Special Mixed Planned Developments

- A. **Application Procedures.** All special mixed planned development applications must be submitted to the Planning and Zoning Director in accordance with the requirements of Section 21.10.010 Common Procedures for Review of Applications. Applications must be submitted on forms provided by the Planning and Zoning Director and accompanied by any required fees, preliminary or final plans or other required submittals
- B. **Application Options.** An applicant may elect one of the following procedural options:
 1. An applicant may submit a preliminary plan for informal review by the Planning and Zoning Director and other city departments the Director deems appropriate, prior to the submission of a final planned development application.
 2. An applicant may submit a preliminary plan for formal review and decision by the Board of Appeals.
 3. An applicant may elect to submit only a complete final planned development application.
- C. **Review of Preliminary Planned Development Plans.** The following procedures shall apply to the review of preliminary planned development plans.
 1. **Staff Review.** The Planning and Zoning Director may distribute copies of a preliminary plan for review by the appropriate city departments.
 2. **Staff Comments on Preliminary Plan.** Following review of any preliminary plan, the Planning and Zoning Director and any other city department reviewing the preliminary plan will provide the applicant with any written comments prepared in connection with the review of the preliminary plan and will transmit a copy of any written comments to the Board of Appeals.

3. **Optional Work Session or Public Meeting.** If the Planning and Zoning Director deems necessary, the Director or the Planning Commission may hold a work session or public meeting for the review of the preliminary plan. Notice of the work session or public meeting must be given by the applicant in accordance with the notice requirements set forth in Section 21.10.020C.
4. **Public Hearing.** If the applicant requests action on a preliminary plan by the Board of Appeals, the Board of Appeals shall schedule and hold a public hearing on a preliminary planned development application. The applicant shall give notice of the hearing in accordance with the notice requirements set forth in Section 21.10.020A and 21.10.020B and any other requirements established by the Board of Appeals.
5. **Decision on Preliminary Plan.** Within 30 days of the conclusion of the public hearing, the Board of Appeals in the case of all special mixed planned development applications, shall decide to: (1) approve the preliminary plan, (2) approve the preliminary plan subject to specific conditions; or (3) deny the preliminary plan.

D. Review of Final Plans and Application. The following procedures shall apply to the review of final planned development plans.

1. **Staff Review.** The Planning and Zoning Director shall distribute copies of a final planned development application to appropriate city departments for review after having determined that the submission is complete.
2. **Staff Report.** Following review of any complete final planned development application, the Planning and Zoning Director and any other city department reviewing the application will prepare a staff report on the final planned development application and transmit the staff report to the Planning Commission and the Board of Appeals prior to the required Planning Commission public meeting and Board of Appeals public hearing on the application.
3. **Planning Commission Public Meeting.** The Planning Commission will consider the application at a regular monthly public meeting. Notice of the public meeting must be given by the applicant in accordance with the notice requirements set forth in Section 21.10.020A and 21.10.020C. At this meeting the Planning Commission shall accept evidence and testimony as it may judge to be relevant to the proper consideration of the case.
4. **Planning Commission Recommendation.** Within 30 days after the Planning Commission has completed its review of the application, it shall forward its written findings of fact and recommendations on the application to the Board of Appeals. In no case may the Planning Commission forward its findings and recommendations to the Board of Appeals more than 90 days after first placing the application on the agenda of a Planning Commission meeting.
5. **Public Hearing.** The Board of Appeals shall schedule and hold a public hearing on the complete final planned development application. The applicant shall give notice of the hearing in accordance with the notice requirements set forth in Section 21.10.020A and 21.10.020B and any other requirements established by the Board of Appeals.
6. **Decision on Final Plan and Application.** Any staff reports received by the Board of Appeals will be considered at the public hearing. Within 30 days of the conclusion of the public hearing, the Board of Appeals shall decide to: (1) approve the application, (2) approve the application subject to specific conditions; or (3) deny the application.

21.24.090 Rights-of-Way

The Planning Commission, in the case of residential or business planned developments, and the Board of Appeals in the case of special mixed planned development applications, may authorize reductions in the right-of-way width and paving width based on the following findings:

- A. The proposed width will promote the public welfare and will not endanger public safety.
- B. The proposed width will not impede normal and orderly development and improvement of surrounding property.
- C. The proposed width will not impair the provision of adequate ingress, egress and access within the planned development.
- D. The proposed width of right of way has been approved by the Department of Public Works, the Fire Department or other appropriate city agencies.

21.24.100 Affordable Housing Density Bonus

- A. **Density Bonus in Residential Planned Developments.** For the purpose of promoting the inclusion of affordable housing units within planned developments, subject to the requirements of this section, the Planning Commission may approve a residential planned development with a density of up to ten percent greater than the density standard set forth above in Section 21.24.050B. However, the total possible density increase may not be granted if such increase in density would result in an adverse impact to adjoining properties or the character of the adjacent land uses.
- B. **Guidelines.** The Planning Commission may adopt standards and guidelines not inconsistent with this section to implement these provisions.
- C. **Affordability Period.** The affordable units will remain available to persons or families of low and moderate income for a period of not less than 20 years.
- D. **Location of Affordable Units.** The units affordable by persons of low and moderate income shall:
 - 1. Be interspersed throughout the development.
 - 2. Not be located in an area clearly less attractive than the balance of development in terms of proximity to undesirable land uses, physical features of the area, or other factors, or in terms of accessibility to recreational facilities, public transportation or other amenities.
 - 3. Be located so that they are immediately contiguous, without substantial man-made or natural barriers to other market rate units.
 - 4. Be identified and described on planned development plans.
- E. **Affordability Requirements.** Affordable units must meet the following affordability requirements:
 - 1. At least 10 percent of the total number of dwelling units to be constructed within the planned residential development must be affordable for rent by persons of lower income, who are either eligible for or participate in local, state or federal housing assistance programs.

2. For the purposes of this section, "lower income" is defined as 50 percent of median income or less according to family size for the city. A dwelling unit determined to be affordable by lower income families shall have a rent (including utilities or a reasonable allowance for utilities) not to exceed 30 percent of 50 percent of median family income.
3. While the units qualifying the properties for the density bonus must be affordable by families earning 50 percent of median income or less, units may be rented to families with incomes earning between 50 percent and 80 percent of local median income.

21.24.110 Planned Development Review Criteria and Findings

In deciding planned development applications, the Planning Commission, in the case of residential and business planned developments, and the Board of Appeals in the case of special mixed planned developments, shall make written findings based on the following:

- A. The planned development is compatible with the character of the surrounding neighborhood and the comprehensive plan and the purposes of planned developments.
- B. The proposed locations of buildings, structures, open spaces, landscape elements, and pedestrian and vehicular circulation systems are adequate, safe, and efficient and designed to minimize any adverse impact upon the surrounding area.
- C. The planned development will promote high quality design and will not result in greater adverse impacts to the surrounding area compared to the development that may otherwise be permitted pursuant to the Zoning Code if a planned development were not approved.
- D. The planned development complies with the planned development use standards and bulk and density standards.
- E. The planned development complies with the Site Design Plan Review criteria provided in Section 21.22.080.
- F. The planned development plan includes adequate provision of public facilities and the proposed infrastructure, utilities and all other proposed facilities are adequate to serve the planned development and adequately interconnect with existing public facilities.

21.24.120 Annual Revised Schedule

The applicant shall annually submit to the Planning and Zoning Director a revised schedule of the estimated timing of the various stages of development and construction of the planned development.

21.24.130 Expiration

- A. **Expiration.**
 1. A preliminary planned development approval shall expire within one year of the date of final approval if the applicant has not submitted a final planned development application prior to that expiration date.
 2. A final planned development approval shall expire within one year of the date of final approval if a building permit is not obtained prior to that expiration date. If substantial site development has not commenced within a period of three years of the date of approval, or

in the case of larger developments, for each phase of the project indicated on the planned development plan, the planned development approval shall expire.

- B. Extension.** If an extension is requested prior to the expiration of a preliminary or final planned development approval, the Planning and Zoning Director may extend a preliminary or final planned development approval for a period not to exceed three years.
- C. Abandonment.** If, within any continuous three year period after approval of a planned development, no building permits are issued for that planned development, then that planned development shall be deemed to be abandoned.
- D. Abandoned or Expired Planned Developments.** In the event that a planned development is abandoned or expires, no building permits shall be issued for the planned development unless it is determined by the Planning and Zoning Director that the planned development complies with the current Comprehensive Plan, site design standards and zoning regulations. An abandoned or expired planned development may be reinstated in the same manner as a new planned development.
- E. Conditions.** Any conditions of approval related to those phases of the planned development which were complete prior to the abandonment of the planned development shall remain in full effect and shall be enforceable.

21.24.140 Modification of Approved Plans

Approved planned development plans may be modified as follows:

- A. Minor Modifications.** The Planning and Zoning Director may authorize minor adjustments in an approved planned development plans as follows:
 - 1. Minor modifications of the size and location of drainage ways, sewers, roadways, landscape elements or other similar features, in light of technical or engineering considerations.
 - 2. Minor modifications of the bulk of structures provided that the modified dimensions comply with all requirements of the applicable zoning district and do not allow buildings closer to property lines or otherwise adversely affect neighboring properties or the development authorized by the plan as originally approved.
 - 3. Any request for modification of any condition imposed on a planned development, which is deemed by the Planning Director to be a minor modification.
- B. Modifications to Allow Accessory Uses and Structures.** The Planning and Zoning Director may authorize the development of accessory uses or structures as a minor modification to an approved planned development plan as follows:
 - 1. A proposed accessory use or structure may be found to be a minor modification if the accessory use or structure will not adversely affect neighboring properties or the development authorized by the plan as approved and is compliance with all other applicable Zoning Code provisions.
 - 2. Prior to making a determination regarding whether the proposed accessory use or structure constitutes a minor modification, the Planning and Zoning Director may require notice to abutting property owners, pursuant to the requirements of Section 21.10.020.

3. The Planning and Zoning Director shall provide written notification, at the applicant's expense, to the applicant and abutting property owners of the Director's decision to allow an accessory use or structure as a minor modification.
 4. An appeal of the Planning and Zoning Director's decision with respect to any minor modification may be made to the Board of Appeals in accordance with the procedures of Chapter 21.30.
- C. Major Modifications.** Modifications to any approved planned development plan that the Planning and Zoning Director deems to be a major modification may be approved only in accordance with the procedures required for original plan approval, subject to waivers of plan submission requirements by the Planning and Zoning Director.

21.24.150 Appeals

- A. Appeal of Planning Commission Decision.** An appeal from a decision of the Planning Commission under this chapter shall be made to the Board of Appeals. The Board of Appeals shall hear the appeal based on the record of the Planning Commission hearing.
- B. Appeal of Board of Appeals Decision.** An appeal from a decision of the Board of Appeals under this chapter shall be made to the Circuit Court of Maryland for Anne Arundel County.

Chapter 21.26 Special Exceptions 25]

Sections:

21.26.010	Purpose and Authority
21.26.020	Applicability
21.26.030	Procedures
21.26.040	Application Requirements
21.26.050	Review Criteria and Findings
21.26.060	Reapplication After Denial
21.26.070	Expiration
21.26.080	Modification of Approved Special Exception
21.26.090	Appeals

21.26.010 Purpose and Authority

A special exception may be granted for a use that the Zoning Code specifically authorizes in a zoning district as being allowed by special exception. In general, special exception uses may be compatible with the purposes of the zoning district in which they are to be located, but may have the potential to result in adverse impacts upon the immediate neighborhood. The process for review of special exception applications is designed to address such adverse impacts and minimize them where possible. A special exception requires a careful review of its location, design, configuration and special impact to determine, against specific standards, the desirability of permitting its establishment on a particular site.

21.26.020 Applicability

A person having a freehold interest in land, or a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest or an exclusive possessory interest, and which is specifically enforceable, may file an application to use the land for one or more of the special exceptions provided for in this Zoning Code in the zoning district in which the land is located.

21.26.030 Procedures

- A. **Application Procedures.** All applications for special exceptions shall be filed with the Planning and Zoning Director in accordance with the requirements of Section 21.10.010 Common Procedures for Review of Applications.
- B. **Review Procedures for Special Exception Applications.** In the review and decision of special exception applications, the following procedures shall apply:
 1. **Staff Review.** The Planning and Zoning Director, after having determined that the submission is complete pursuant to Section 21.10.010, may distribute copies of the application to appropriate city departments for review.
 2. **Staff Report.** Following review of any special exception application, the Planning and Zoning Director and any other city department reviewing the application will prepare a staff report on the application and transmit the staff report to the Planning Commission prior to the required Planning Commission public meeting on the application.
 3. **Public Meeting.** The Planning Commission will consider the application at a regular monthly public meeting. Notice of the public meeting must be given by the applicant in accordance with the notice requirements set forth in Section 21.10.020A and 21.10.020C.

At this meeting the Planning Commission shall accept evidence and testimony as it may judge to be relevant to the proper consideration of the case.

4. **Planning Commission Recommendation.** Within 30 days after the Planning Commission has completed its review of the application, it shall forward its written findings of fact and recommendations on the application to the Board of Appeals. In no case may the Planning Commission forward its findings and recommendations to the Board of Appeals more than 90 days after first placing the application on the agenda of a Planning Commission meeting.
5. **Public Hearing.** The Board of Appeals shall hold a public hearing on each application. The hearing shall be conducted, and a record of the proceedings shall be preserved, in the manner the Board of Appeals, by rule, prescribes from time to time. Notice of the public hearing must be given by the applicant in accordance with the notice requirements set forth in Section 21.10.020A and 21.10.020B. At the hearing, the Planning Commission's findings and recommendations and a report from the Planning and Zoning Director shall be placed in evidence.
6. **Action on Application.** Within 30 days of the conclusion of the public hearing, the Board of Appeals shall decide to: (1) approve the application, (2) approve the application subject to specific conditions; or (3) deny the application.
7. **Conditions of Approval.** The Planning Commission may recommend, and the Board of Appeals may stipulate, conditions and restrictions upon the establishment, location, construction, maintenance and operation of the special exception as are deemed necessary for the protection of the public interest and to secure compliance with the requirements specified in Section 21.26.060. However, the Board of Appeals may not impose any condition, or enforce any condition previously imposed, which restricts the applicability or approval of a special exception to a particular applicant, owner or operator.

21.26.040 Application Requirements

All special exception applications shall be accompanied by plans and any forms prescribed by the Planning and Zoning Director, and shall at a minimum include the following:

- A. A statement in writing by the applicant and adequate evidence showing that the proposed special exception will conform to the standards set forth in this Chapter.
- B. Applicants shall provide the names and addresses of all persons having a financial or vested interest in the project and in the case of firms, partnerships and corporations, the names and addresses of all principals of the firm, partnership or corporation, who have a financial or vested interest in the project for which the application is made.

21.26.050 Review Criteria and Findings

The recommendation of the Planning Commission and decision by the Board of Appeals must be based upon written findings with respect to the following:

- A. The establishment, maintenance or operation of the special exception will not be detrimental to or endanger the public health, safety, morals, convenience or general welfare.

- B. The special exception will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, or substantially diminish and impair property values within the neighborhood.
- C. The establishment of the special exception will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
- D. Adequate utilities, access roads, drainage and necessary facilities have been or are being provided.
- E. Adequate measures have been or will be taken to provide ingress and egress designed to minimize traffic congestion in the public streets.
- F. The special exception shall, in all other respects, conform to the applicable regulations of the district in which it is located, including any use provisions or standards set forth in Chapter 21.64.

21.26.060 Reapplication After Denial

No application for a special exception, which has been denied wholly or in part by the Board of Appeals, shall be resubmitted for a period of one year from the date of the order of denial, except on the grounds of new evidence or proof of change of conditions found to be valid by the Planning Commission and the Board of Appeals.

21.26.070 Expiration

- A. **Special exception not established.** In any case where a special exception has not been established within one year after the date of granting the special exception, the special exception shall expire. However, the Board of Appeals, in its discretion and upon a showing of good cause, may grant up to two successive extensions of the granting of the special exception for periods of not longer than six months each; provided that, a written request for each extension is filed while the prior grant is still valid.
- B. **Cessation of special exception use.** A special exception expires if it ceases for more than six months. In the case of a building or structure which is destroyed or damaged by fire or other casualty or act of God, the Planning and Zoning Director may approve the reestablishment of the use provided that restoration is actively and diligently pursued to completion in a timely fashion[CG26].



21.26.080 Modification of Approved Special Exception

Approved special exceptions may be modified as follows:

- A. **Minor Modifications.** The Planning and Zoning Director may authorize minor adjustments in an approved special exception as follows:
 1. Minor modifications of the size and location of drainage ways, sewers, roadways, landscape elements or other similar features, in light of technical or engineering considerations.
 2. Minor modifications of the bulk of structures provided that the modified dimensions comply with all requirements of the applicable zoning district and do not allow buildings

closer to property lines or otherwise adversely affect neighboring properties or the development authorized by the special exception as originally approved.

3. Any request for modification of any condition imposed on a special exception, which is deemed by the Planning Director to be a minor modification.

B. Modifications to Allow Accessory Uses and Structures. The Planning and Zoning Director may authorize the development of accessory uses or structures as a minor modification to an approved special exception as follows:

1. A proposed accessory use or structure may be found to be a minor modification if the accessory use or structure will not adversely affect neighboring properties or the development authorized by the plan as approved and is compliance with all other applicable Zoning Code provisions.
2. Prior to making a determination regarding whether the proposed accessory use or structure constitutes a minor modification, the Planning and Zoning Director may require notice to abutting property owners, pursuant to the requirements of Section 21.10.020.
3. The Planning and Zoning Director shall provide written notification, at the applicant's expense, to the applicant and abutting property owners of the Director's decision to allow an accessory use or structure as a minor modification.
4. An appeal of the Planning and Zoning Director's decision with respect to any minor modification may be made to the Board of Appeals in accordance with the procedures of Chapter 21.30.

C. Major Modifications. Modifications to any approved special exception that the Planning and Zoning Director deems to be a major modification may be approved only in accordance with the procedures required for original special exception approval.

21.26.090 Appeals

Appeals from decisions of the Board of Appeals under this chapter shall be made to the Circuit Court of Maryland for Anne Arundel County.

Chapter 21.28 Variances

Sections:

21.28.010	Purpose and Authority
21.28.020	Procedures
21.28.030	Application Requirements
21.28.030	Permitted Variances
21.28.040	Review Criteria and Findings
21.28.050	Expiration
21.28.060	Appeals

21.28.010 Purpose and Authority

The Board of Appeals is authorized to determine and vary the regulations of this Zoning Code in harmony with their general purpose and intent, only in the specific instances set forth in this Chapter, where the Board of Appeals makes findings of fact in accordance with the standards prescribed in this Chapter; and finds that there are practical difficulties or particular hardships in carrying out the regulations of this Zoning Code.

21.28.020 Procedures

- A. **Application Procedures.** All applications for variances shall be filed with the Planning and Zoning Director in accordance with the requirements of Section 21.10.010 Common Procedures for Review of Applications.
- B. **Review Procedures for Variance Applications.** In the review and decision of variance applications, the following procedures shall apply:
 1. **Staff Review.** The Planning and Zoning Director, after having determined that the submission is complete, may distribute copies of the application to appropriate city departments for review.
 2. **Staff Report.** Following review of any variance application, the Planning and Zoning Director and any other city department reviewing the application will prepare a staff report on the application and transmit the staff report to the Board of Appeals prior to the required Board of Appeals public hearing on the application.
 3. **Public Hearing.** The Board of Appeals shall hold a public hearing on each application at the time and place established by it. The hearing shall be advertised, conducted, and a record of the proceedings shall be preserved, in the manner the Board of Appeals, by rule, prescribes from time to time. Notice of the public meeting must be given by the applicant in accordance with the notice requirements set forth in Section 21.10.020A and 21.10.020B.
 4. **Action on Application.** Within 40 days of the conclusion of the public hearing, the Board of Appeals shall decide to: (1) approve the application, (2) approve the application subject to specific conditions; or (3) deny the application. The Board of Appeals may impose such conditions or restrictions upon the premises benefited by a variance as may be necessary to comply with the standards established in this Chapter and the purposes of this Zoning Code.

5. **Notice of Decision.** At the applicant's expense, the Board of Appeals will publish notice of the decision in a newspaper of general circulation in the city and mail notices of the decision to all persons owning property within 200 feet of the applicant's property.

21.28.030 Application Requirements

All variance applications shall be accompanied by plans and on any forms prescribed by the Planning and Zoning Director, and shall at a minimum include the following:

- A. A statement in writing by the applicant and adequate evidence showing that the proposed variance will conform to the standards set forth in this Chapter.
- B. Applicants shall provide the names and addresses of all persons having a financial or vested interest in the project and in the case of firms, partnerships and corporations, the names and addresses of all principals of the firm, partnership or corporation, who have a financial or vested interest in the project for which the application is made.

21.28.040 Permitted Variances

Variances from the regulations of this Zoning Code may be granted by the Board of Appeals only in accordance with the standards established in this Chapter, and may be granted only for the following:

- A. To permit any yard or setback less than a yard or a setback required by the applicable regulations.
- B. To permit the use of a lot or lots for a use not otherwise allowed solely because of the insufficient area or width of the lot or lots. However, the respective area and width of the lot or lots shall not be less than 80 percent of the required area and width. Lot area and lot width variances for existing legally established religious institutions may exceed 80 percent of the applicable lot area and width requirements.
- C. To permit an increase of not more than 20 percent in the maximum gross floor area of any use.
- D. To vary the lot coverage restrictions in the R1-A and the R1-B single-family residence districts.
- E. To allow in the case of single-family detached dwellings in any residential zoning district, a building height of three stories, provided that the height does not exceed 35 feet.
- F. To increase by not more than 20 percent the maximum distance that required parking spaces are permitted to be located from the use served.
- G. To vary the provisions of the critical area program subject to the requirements and standards of Section 21.54.160.
- H. To vary the limitations for signs in the specific instances set forth in section 21.70.  [CG27].

21.28.040 Review Criteria and Findings

The Board of Appeals shall not vary the regulations of this Zoning Code unless it makes findings based upon the evidence presented to it in each specific case that:

- A. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result as distinguished from a mere inconvenience if the strict letter of the regulations were to be carried out.
- B. The conditions upon which a petition for a variation is based are unique to the property for which the variance is sought, and are not applicable, generally, to other property within the same zoning classification.
- C. The purpose of the variance is not based exclusively upon a desire to increase financial gain.
- D. The alleged difficulty or hardship has not been created by the present owner or any previous owners of the property
- E. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.
- F. The variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion of the public streets, increase the danger of fire, endanger the public safety, or alter the essential character of the neighborhood or district in which the property is located[D28]
- G. Within the intent and purpose of this Zoning Code, the variance, if granted, is the minimum variance necessary to afford relief[D29].

21.28.050 Expiration

No order of the Board of Appeals granting a variance shall be valid for a period longer than one year from the date of the order, unless the building permit is obtained within that period and the erection or alteration of a building is started or the use is commenced within that period. However, the Board of Appeals, in its discretion and upon a showing of good cause, may grant up to two successive extensions of an order granting a variance for periods not longer than six months each, provided that a written application for each extension is filed while the prior order was still valid.

21.28.060 Appeals

- A. Any person aggrieved by any decision of the Board of Appeals may appeal that decision to the circuit court of Anne Arundel County.
- B. An appeal filed pursuant to this section does not stay the action from which the appeal is taken unless provided by state law or an order entered by a court of competent jurisdiction[CG30].

Chapter 21.30 Appeals

Sections:

21.30.010	Purpose and Authority
21.30.020	Procedures
21.30.030	Stay Pending Appeal
21.30.040	Appeal

21.30.010 Purpose and Authority

An appeal may be taken to the Board of Appeals by a person aggrieved or by an officer, department, board or bureau of the city aggrieved by a decision of the Planning and Zoning Director or an enforcement action of the Director of Neighborhood and Environmental Programs other than the issuance of a misdemeanor citation[CG31].



21.30.020 Procedures

- A. Appeal Procedures.** An appeal may be taken within 15 days after the decision or the action complained of, by filing with the director from whom the appeal is taken a notice of appeal specifying the grounds of the appeal. The director from whom the appeal is taken shall, at the expense of the appellant, forthwith transmit to the Board of Appeals all of the papers constituting the record upon which the action appealed from was taken.
- B. Review Procedures.**
- 1. Notice and Hearing.** The Board of Appeals shall select a reasonable time and place for the hearing of the appeal. Notice of the hearing must be given in accordance with the notice requirements set forth in Section 21.10.020A. and 21.10.020B.
 - 2. Decision.** The Board shall reach its decision within 40 days from the date of the hearing. The Board of Appeals may affirm or reverse, wholly or in part, or may modify the order, requirement, decision or determination as ought to be made or the board may issue a new order, requirement, decision or determination. To that end, the board has all the powers of the officer from whom the appeal is taken.
 - 3. Notice of Decision.** At the appellant's expense, the Board of Appeals shall publish notice of the decision in a newspaper of general circulation in the city and mail notices of the decision to all persons owning property within 200 feet of the subject property.
 - 4. Record of Decisions.** The Planning and Zoning Director and the Director of Neighborhood and Environmental Programs shall maintain records of all actions of the Board of Appeals relative to appeals taken from their actions pursuant to this section.

21.30.030 Stay Pending Appeal

An appeal to the Board of Appeals pursuant to the preceding section shall stay all proceedings in furtherance of the action appealed only as provided by Article 66B, Section 4.07 of the Annotated Code of Maryland (or its successors[CG32]).



21.30.040 Appeal

Any person aggrieved by any decision of the Board of Appeals may appeal that decision to the circuit court of Anne Arundel County.

Chapter 21.32 Zoning Text Amendments

Sections:

- 21.32.010 Purpose and Authority
- 21.32.020 Procedures

21.32.010 Purpose and Authority

For the purpose of promoting the public health, safety, morals and general welfare, and conserving the value of property throughout the city, the City Council, from time to time, in the manner set forth in this chapter, may amend the regulations imposed in the districts created by this Zoning Code; provided, that in all amendatory ordinances adopted under the authority of this chapter, due allowance shall be made for existing conditions, the conservation of property values, the direction of building development to the best advantages of the entire city and the uses to which property is devoted at the time of the adoption of the amendatory ordinance.

21.32.020 Procedures

- A. **Planning Commission Review.** An ordinance proposing an amendment to the regulations of this Zoning Code shall be placed upon the agenda of the Planning Commission for consideration at a public hearing. Notice of the public hearing shall be provided in accordance with the notice requirements of Sections 21.10.020A. and B. At the public hearing, the Commission may accept evidence and testimony as it judges to be relevant to the proper consideration of the proposed amendment.
- B. **Commission Recommendation.** Within 30 days after the Commission has completed its review of the proposed amendment, but in no case longer than 90 days after the first session of the public hearing by the Planning Commission, the Commission shall submit its written recommendations to the City Council.
- C. **Public Hearing.** After the Planning Commission has completed its review of the proposed amendment, the City Council shall hold a public hearing on each proposed amendment at the time and place it establishes. The hearing shall be advertised, conducted, and a record of the proceedings shall be preserved, in the manner the City Council, by rule, prescribes from time to time. Notice of the time and place of the hearing, together with a summary of the text amendment, shall be published in one newspaper of general circulation in the city once a week for two successive weeks, with the first publication of notice appearing at least 14 days prior to the hearing. At the hearing, the recommendation of the Planning Commission and report of the Planning and Zoning Director shall be received. The Director shall be available at the hearing for examination by all interested persons.
- D. **Action by City Council.** The City Council shall not act upon any proposed amendment to this Zoning Code until it has received a written report and recommendation from the Planning Commission on the proposed amendment.
- E. **Effective Date.** In accordance with the provisions of Section 21.040.20, any Zoning Code text amendments shall become effective on the date of approval by the City Council, except that if the date of City Council approval is less than ten days after the close of the City Council's public hearing on the Zoning Code amendments, the effective date of the amendment shall be ten days after the close of the public hearing on the Zoning Code amendments.

Chapter 21.34 Zoning Map Amendments

Sections:

21.34.010	Purpose and Authority
21.34.020	Procedures
21.34.030	Planning Commission Review Criteria and Findings
21.34.040	City Council Review Criteria and Findings
21.34.050	Appeal

21.34.010 Purpose and Authority

- A. Purpose.** For the purpose of promoting the public health, safety, morals and general welfare, and conserving the value of property throughout the city, the City Council, from time to time, in the manner set forth in this chapter may amend the district boundary lines; provided, that in all amendatory ordinances adopted under the authority of this chapter, due allowance shall be made for existing conditions, the conservation of property values, the direction of building development to the best advantages of the entire city and the uses to which property is devoted at the time of the adoption of the amendatory ordinance.
- B. Authority.** The City Council shall decide amendments under this chapter, which may be proposed by the City Council, the Planning Commission, a property owner in the city or any person who has a contractual interest which may become a freehold interest or an exclusive possessory interest of property proposed to be rezoned.

21.34.020 Procedures

- A. Application Procedures.** An application for a zoning map amendment shall be filed with the Planning and Zoning Director in accordance with the requirements of Section 21.10.010 Common Procedures for review of Applications, including the preapplication conference with the Director pursuant to Section 21.10.010.A.
- B. Review Procedures.**
- 1. Complete Application Forwarded to Planning Commission.** Upon determination of completeness, the Planning and Zoning Director shall forward the application to the Planning Commission, for its recommendation to the City Council.
 - 2. Staff Review and Report.** The Planning and Zoning Director may circulate the application to other city departments deemed appropriate by the Director. The Planning and Zoning Director will forward a report on the application for amendment to the Planning Commission and the City Council.
 - 3. Planning Commission Public Hearing.** An application, when complete, shall be placed upon the agenda of the Planning Commission for consideration at a public hearing. Notice of the hearing shall be published in accordance with the Section 21.10.020A and B. Notice Requirements. At the public hearing the Planning Commission may accept evidence and testimony as it may judge to be relevant to the proper consideration of the case.
 - 4. Findings and Recommendations.** Within 30 days after the Planning Commission has completed its review of the application, but in no case longer than 90 days after the date of the first session of the public hearing held by the Commission, the Commission shall make written findings of fact and shall submit the findings together with its recommendations to

the City Council. The City Council shall not act upon the application until it has received a written report and recommendation from the Planning Commission on the proposed amendment.

5. **City Council Public Hearing.** After the Planning Commission has completed its review of the application, the City Council shall hold a public hearing on each application. The hearing shall be advertised, conducted, and a record of the proceedings shall be preserved, in the manner as the City Council, by rule, prescribes from time to time. Notice of the hearing shall be in accordance with the Section 21.10.020B. Notice Requirements. Other appropriate notices may be posted in a place or places as the City Council designates. At the hearing, the recommendation of the Planning Commission and report from the Planning and Zoning Director shall be placed in evidence. The Director of Planning and Zoning shall be available at the hearing for examination by all interested persons.
6. **Decision and Vote.** The City Council shall grant or deny any application for an amendment; provided, that in the event of a written protest against any proposed amendment, signed and acknowledged by the owners of 20 percent or more of the areas of the land within 200 feet of the subject property, the amendment shall not be granted except by a favorable vote of three-fourths of all the members of the council.
7. **Date of Decision.** Whenever an application for an amendment has been properly filed, it shall be acted upon by the City Council within six months from the date of application, and whenever it has been denied by the City Council, the application shall not be renewed for one year after the denial.

21.34.030 Application Requirements

All zoning map applications shall be accompanied by plans and on any forms prescribed by the Planning and Zoning Director, and shall at a minimum include the following:

- A. A statement in writing by the applicant and adequate evidence describing how the proposed map amendment conforms to the review criteria set forth in this Chapter.
- B. Applicants shall provide the names and addresses of all persons having a financial or vested interest in the project and in the case of firms, partnerships and corporations, the names and addresses of all principals of the firm, partnership or corporation, who have a financial or vested interest in the project for which the application is made.

21.34.040 Planning Commission Review Criteria and Findings

The Planning Commission shall not recommend the adoption of a proposed zoning map amendment unless it finds that the adoption of the amendment is in the public interest and is not solely for the interest of the applicant. The Planning Commission may recommend the adoption of an amendment changing the zoning classification of the property to a more restrictive district than that requested by the applicant. The Planning Commission shall make findings based upon the evidence presented to it in each specific case with respect to the following matters:

- A. Existing uses and zoning classification of properties within the general area of the property that is the subject of the application.
- B. The suitability of the property in question to the uses permitted under the existing zoning classification compared to the uses permitted under the proposed zoning classification.

- C. The trend of development in the general area, including any changes in zoning classification of the subject property or other properties in the area and the compatibility with existing and proposed development for the area.
- D. Whether there has been a substantial change in the character of the neighborhood where the property is located or that there was a mistake in the existing zoning classification.
- E. The availability of public facilities, present and future transportation patterns.
- F. The relationship of the proposed amendment to the city's comprehensive plan.

21.34.040 City Council Review Criteria and Findings

The City Council shall make findings of fact in each specific case including, but not limited to, the criteria set forth above in Section 21.34.040.

21.34.060 Appeal

Any person aggrieved by a decision of the City Council pursuant to this chapter may appeal to the circuit court of Anne Arundel County.

Chapter 21.36 Zoning Enforcement

Sections:

- 21.36.010 Stop Work Orders, Corrective Measures Orders, Revocation of Permits
- 21.36.020 Violation Orders
- 21.36.030 Penalty

21.36.10 Stop Work Orders, Corrective Measures Orders, Revocation of Permits

- A. In addition to other penalties and enforcement powers set forth in this Zoning Code or granted to the city in law or in equity, whenever a person violates any provision of this Zoning Code, the Director of Neighborhood and Environmental Programs may issue an order requiring the developer or owner of the property to stop work or to take specified corrective measures to comply with the requirements of this Zoning Code.
- B. If a developer or owner violates a stop work order or corrective measures order issued pursuant to this section, the Director of Neighborhood and Environmental Programs may initiate action to revoke a permit as follows:
 - 1. **Notice.** Before a permit may be revoked, notice of a hearing by the Director of Neighborhood and Environmental Programs to consider revocation shall be given pursuant to the requirements of Section 21.10.020B. The notice shall inform the holder of the permit of the grounds for the revocation and the hearing date.
 - 2. **Decision.** Following the hearing, the Director of Neighborhood and Environmental Programs shall decide whether or not to revoke the permit and shall provide the holder of the permit a written statement of the decision.

21.36.020 Violation Orders

The Director of Neighborhood and Environmental Programs, upon finding a building, premises, or a part of a building or premises used or occupied in violation of any provision of the Zoning Code, shall order such illegal use or occupancy terminated. When in the opinion of the Director of Neighborhood and Environmental Programs the termination of said illegal use or occupancy can only be insured through vacation of said building, premises, or part thereof, the Director may order the owner or the occupant or both to vacate said building, premises, or part of said building or premises which is being illegally used or occupied.

21.36.030 Penalty

- A. A person who violates this Zoning Code is guilty of a misdemeanor and shall be fined by the Director of Neighborhood and Environmental Programs not more than 500 dollars for any single, initial violation and not to exceed 500 dollars for each repeat or continuing violation.
- B. A person who violates any term, condition or provision of any certificate of approval, plan, use permit, variance or other permit issued or approved pursuant to this Zoning Code is guilty of a misdemeanor and shall be fined by the Director of Neighborhood and Environmental Programs not more than 500 dollars for any single, initial violation and not to exceed 500 dollars for each repeat or continuing violation.

Editorial Comments to Division II

Page: 2

[CG1] This is essentially a new Chapter based on existing scattered sections. Major changes are highlighted in individual comments.

Page: 2

[CG2] Former 21.88.030.

Page: 2

[CG3] Under Article 66B, terms are for five years and must be staggered.

Page: 3

[CG4] E.4 and 5 are major changes. The Director of Planning and Zoning currently decides site plans and the Board of Appeals currently decides planned developments as special exceptions. The Planning Commission's authority to decide planned developments is from Article 66B.

Page: 3

[CG5] Former 21.88.020

Page: 4

[CG6] Former 21.88.010.

Page: 5

[CG7] Added per O-26-03 (DNEP)

Page: 10

[CG8] Essentially a new chapter with procedures modeled on existing such as 21.98.060.

Page: 11

[CG9] A.1 and A.2 are new.

Page: 14

[CG10] Former 21.88.020.D

Page: 15

[CG11] Simplification of 21.82.

Page: 16

[CG12] This chapter combines former use permits and zoning certificates chapters (21.76 and 21.78)

Page: 19

[CG13] New overlay district comprising those B1, B2 and P districts that were in the former RC overlay district, chapter 21.69.

Page: 19

[CG14] Building code. The application would come through the Department of Neighborhood and Environmental Programs and be referred to Planning and Zoning.

Page: 20

[CG15] New requirement

Page: 25

[CG16] New chapter based on existing authorities.

Page: 26

[CG17] New authority. See lengthy comment on adjustments and variances for signs in Chapter 21.70.

Page: 26

[CG18] Transportation plan criteria added to tie granting of this adjustment to transportation planning.

Page: 33

[CG19] Former 21.98.170. Current period of extension is not specified.

Page: 34

[CG20] Former 21.98.020

Page: 34

[CG21] This is a change from existing requirement for 50 percent more than the estimate.

Page: 37

[CG22] Note the proposed new definition of “Planned Development Use”: a use that is not normally permissible in a zoning district but that may be permitted as part of a planned development provided that the planned development as a whole meets the criteria for approval set forth in this zoning code. Uses that may be planned development uses are listed in Section 21.24.020 of this Zoning Code.

Page: 37

[CG23] Uses requiring special exceptions would need approval by the Board of Appeals.

Page: 37

[CG24] Limits where residential uses may be incorporated. Retains restriction on planned development uses (formerly called use exceptions) in waterfront districts.

Page: 46

[CG25] Former 21.72. Note the proposed new definition of “Special Exception”: a land use or activity which requires approval by the Board of Appeals for a specific location and site plan, based on standards established in this Zoning Code.

Page: 48

[CG26] From current 21.02.080

Page: 51

[CG27] New authority. See lengthy comment on adjustments and variances for signs in Chapter 21.70.

Page: 52

[D28] Language added replacing consideration of the effect of a variance on property values with consideration of the effect on character of the neighborhood.

Page: 52

[D29] New standard.

Page: 52

[CG30] Minor revision to current 21.80.060 which refers to Maryland Rule 7-205. This provision is informational rather than regulatory by the City. The revision is intended to help the layperson understand the situation with respect to stays rather than refer the layperson to another document. New language adding consideration of the effect of a variance on character of the neighborhood.

Page: 52

[CG30] Minor revision to current 21.80.060 which refers to Maryland Rule 7-205. This provision is informational rather than regulatory by the City. The revision is intended to help the layperson understand the situation with respect to stays rather than refer the layperson to another document.

Page: 53

[CG31] Language amended by O-26-03 (DNEP)

Page: 53

[CG32] Language amended by O-26-03 (DNEP)

DIVISION III BASE DISTRICT REGULATIONS

DIVISION III BASE DISTRICT REGULATIONS..... III-1

 Chapter 21.38 Regulations applicable to all districts..... III-2

 Chapter 21.40 Residential Districts III-6

 Chapter 21.42 Commercial and Industrial Districts III-21

 Chapter 21.44 Office and Mixed Use Zoning Districts III-30

 Chapter 21.46 Waterfront Maritime Districts III-34

 Editorial Comments to Division III III-39

 Chapter 21.48 Use tables III-40

 Chapter 21.50 Chapter Bulk Regulations Tables..... III-53

Chapter 21.38 Regulations applicable to all tricts[CG1]

Sections

21.38.010	Purpose
21.38.020	Uses
21.38.030	Bulk regulations

21.38.010 Purpose

This chapter lists use and bulk regulations that apply to all zoning districts.

21.38.020 Uses

- A. **Types of uses.** The following uses of land as listed in this division, are permitted in the districts indicated under the conditions specified:
1. Permitted uses,
 2. Special exception uses,
 3. Uses subject to standards, and
 4. Accessory uses.
- B. **Use of land.** No building or tract of land shall be devoted to any use other than those listed in subsection 1. of this section with the exception of the following:
1. Uses lawfully established on the date of adoption of this Zoning Code, and
 2. Uses already established on the date of adoption of this Zoning Code and rendered nonconforming by it. These uses are subject to Chapter 21.68.
- C. **Utility lines and fixtures exempted.** The following uses are exempted from the provisions of this Division and are permitted in any district: poles, wires, cables, conduits, vaults, laterals, pipes, mains, valves, or any other similar distributing equipment for telephone or other communication systems, electric power, gas, water and sewer lines[CG2].
- Antennas and telecommunication facilities are not exempted. See regulations in Division V.
- D. **Use of accessory buildings for living purposes.** No accessory building or structure constructed on any lot prior to the time of construction of the principal building to which it is accessory shall be used for living purposes.
- E. **Trailers.** A trailer shall not be considered to be permissible as an accessory building.
- F. **Tents.** No tent may be erected, used or maintained for living quarters.

21.38.030 Bulk regulations

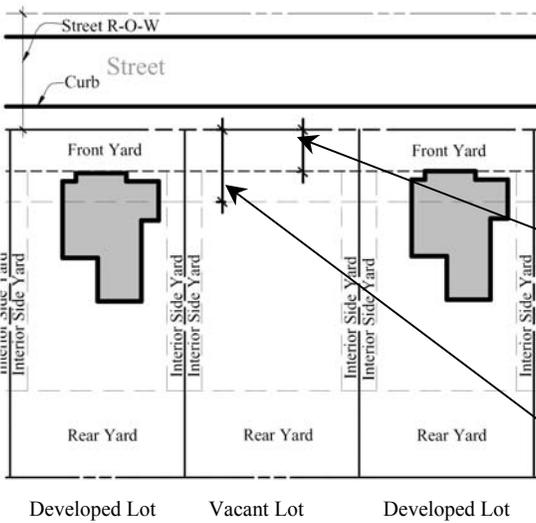
- A. **Bulk regulations.** Bulk regulation requirements for lots shall be as specified in the bulk regulations tables for each zoning district in this division.
- B. **Minimum lot size and width.** No use shall be established or maintained after the date of adoption of this Zoning Code on a lot recorded after the date of adoption of this Zoning Code which is of less area or less width than prescribed in this Zoning Code for the use in the zoning district in which it is to be located.
- C. **Building conversions.** No building shall be converted to conflict with, or further conflict with, the lot size requirements of the district in which the building is located.
- D. **Historic district.** In the historic district, height measurement and limits requirements apply in addition to those listed in the bulk regulations tables[CG3].
- E. **Planned development required for buildings over 45 feet.** Unless otherwise specified in the development standards for an individual zoning district, no new building or existing building which is later altered, shall have a height in excess of 45 feet unless the building is approved as a planned development in accordance with Chapter 21.24[CG4].
- F. **Established front yard[CG5]. See illustration.**

1. **Purpose.** The purpose of the established front yard regulation is to preserve community character in specified zoning districts by ensuring that the front yards of new buildings in these districts conform to the yards that have been established by existing buildings.
2. **Regulation.** The following regulation only applies when indicated on the bulk regulations table for the zoning district[CG6]:

Notwithstanding the front yard requirements of the underlying zoning district, where a new building is to be built and there is an established front yard, as defined in this Zoning Code, the minimum front yard for the new building shall be the established front yard.

3. **Computation of established front yard.**
 - a. In computing the front yard for a new building only the established front yards of the building or buildings adjoining the proposed new building need be considered, excepting, however, in cases described below in subsection c.
 - b. In the case where a building is to be built and the established front yards on both sides of the new building are different, the front yard of the new building shall be the mid-point of a straight line connecting the nearest front corners of the adjoining existing buildings.
 - c. In cases where it can be demonstrated that conformance with the average of the established front yards of all buildings on one side of a block or street would provide greater consistency with the purpose of this section, this average yard may be used to establish the front yard for the new building. In computing the average of the established front yards, except in the case of four or fewer buildings, the largest and smallest yards shall be excluded.

Illustration for Section 21.38.030.F. Established Front Yard

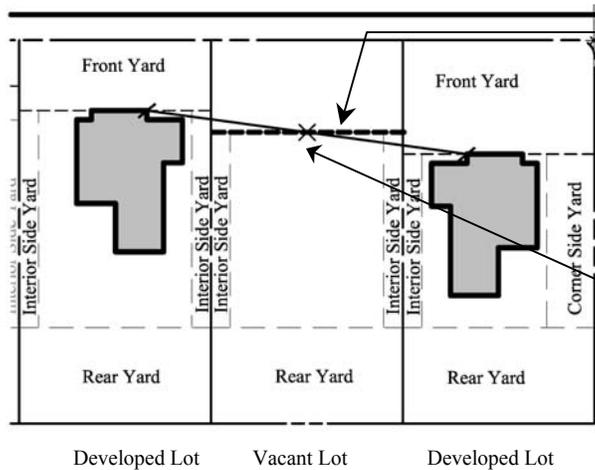


21.38.030.F.2 and 21.38.030.F.3.a

The established front yard is established by buildings on developed lots. A building on an undeveloped lot may be built to the established front yard even though the resulting front yard is less deep than the front yard required in the zoning district.

Established front yard for vacant lot. Existing buildings to either side have a smaller front yard than is required in the zoning district (buildings may predate zoning).

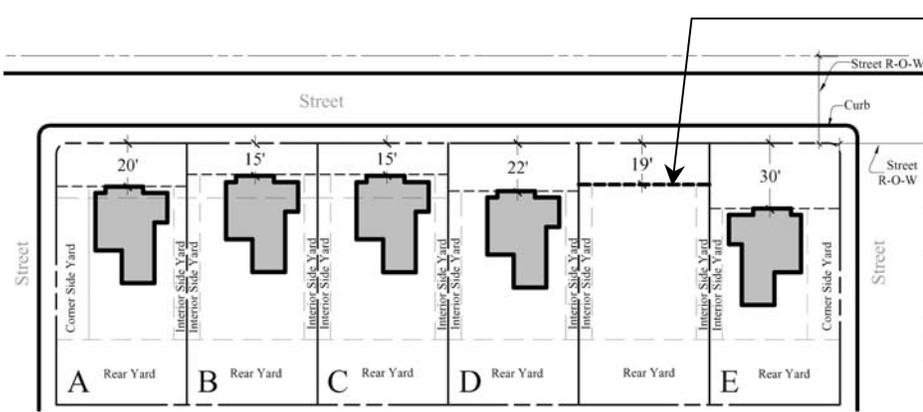
Front yard required by zoning district.



21.38.030.F.3.b

In this case, the established front yards on the lots on both sides of the vacant lot are different. The front yard for the vacant lot is the midpoint of a line connecting the nearest front corners of the existing buildings.

Midpoint of line connecting nearest front corners of existing adjoining buildings.



Established front yard under 21.38.030.F.3.c

Lot	Existing Front Yard Depth	
A	20'	20'
B	15'	15'
C	15'	15'
D	22'	22'
E	30'	30'
Average	20.4'	19'

In this case, conformance with the average of the established front yards of all buildings provides greater consistency with community character. Computation under 21.38.030.F.3.b would result in a front yard for a new building of 24 feet. Computation under 21.38.030.F.3.c uses the average of the front yards on the side of the block resulting in a front yard for a new building of 20.4 feet. Because in this example there are more than four buildings on the side of the block, the largest and smallest yards (15' and 30') are excluded resulting in a front yard for a new building of 19 feet.

G. Accessory buildings

1. **Accessory buildings attached to principal buildings.** Accessory buildings when attached to principal buildings shall comply with the yard requirements of the principal buildings.
2. **Percentage of required yard.** No detached accessory building or buildings shall occupy more than 50 percent of the area of a required yard.
3. **Height.** No detached accessory building or structure shall exceed the height of the principal building or structure.
4. **Separation between buildings.** Detached accessory buildings or structures shall be located no closer than three feet to any other accessory or principal building.
5. **Reversed corner lots.**
 - a. On a reversed corner lot in a residential district, and within 15 feet of any adjacent property to the rear in a residential district, no accessory building or portion of an accessory building located in a required rear yard shall be closer to the side lot line abutting the street than a distance equal to two-thirds of the least depth which would be required under this title for the front yard on the adjacent property to the rear.
 - b. No accessory buildings shall be located within five feet of any part of a rear lot line which coincides with the side lot line or portion of the side lot line of property in a residence district.
 - c. No accessory building shall be erected in or encroach upon the required side yard of a corner lot which is adjacent to the street, or upon the required side yard of a reversed corner lot which is adjacent to the street.

- H. Setback along Roscoe Rowe Boulevard.** To protect the scenic approach to Annapolis, all buildings, structures and uses established along Roscoe Rowe Boulevard shall observe a setback of not less than 75 feet from the right-of-way line of the boulevard.

Chapter 21.40 Residential Districts

Sections

21.40.010	Regulations applicable to all residential districts
21.40.020	R1 district
21.40.030	R1-A district
21.40.030	R1-B district
21.40.050	R2 district-Neighborhood Conservation
21.40.060	R2 district
21.40.070	R3 district
21.40.080	R3-Neighborhood Conservation
21.40.090	R3-Neighborhood Conservation 2 district
21.40.100	R3-Revitalization district
21.40.110	R4 district
21.40.120	R4-Revitalization district
21.40.130	C1 Conservation Residence district
21.40.140-	C1-A Special Conservation Residence district

21.40.010 Regulations applicable to all residential tricts[CG7]

- A. In any residential district on a lot of record, a single-family dwelling may be established or enlarged regardless of the size of the lot, provided that all other requirements of this Zoning Code are met.
- B. Accessory uses may be established on the same lot as a principal use, provided the lot meets the lot size requirements of the district, except as indicated on the bulk regulations table for the  district[CG8].
- C. The yard requirements of the principal uses apply to their accessory uses and buildings unless otherwise specified on the bulk regulations  tables[CG9].
- D. All accessory buildings which are attached to principal buildings (e.g., attached garages) shall comply with the yard requirements of the principal building.
- E. Interior side yards are not required along the lot lines where a dwelling unit is attached to another dwelling unit, as in the case of a townhouse involving separate ownerships of attached  units[CG10].
- F. For the purpose of determining yard requirements, any floor or portion of a floor that may be occupied for dwelling purposes shall be considered a story.
- G. Floor area ratio and lot coverage
 - 1. Floor area ratio limits, where required, determine the maximum floor area allowable for the building or buildings (total floor area of both principal and accessory buildings) in direct ratio to the gross area of the zoning lot.
 - 2. The floor area of the accessory buildings shall be included in the total allowable floor area permitted on the zoning lot, as specified for the principal uses. However, any floor area devoted to off-street parking or loading facilities is exempt from floor area ratio

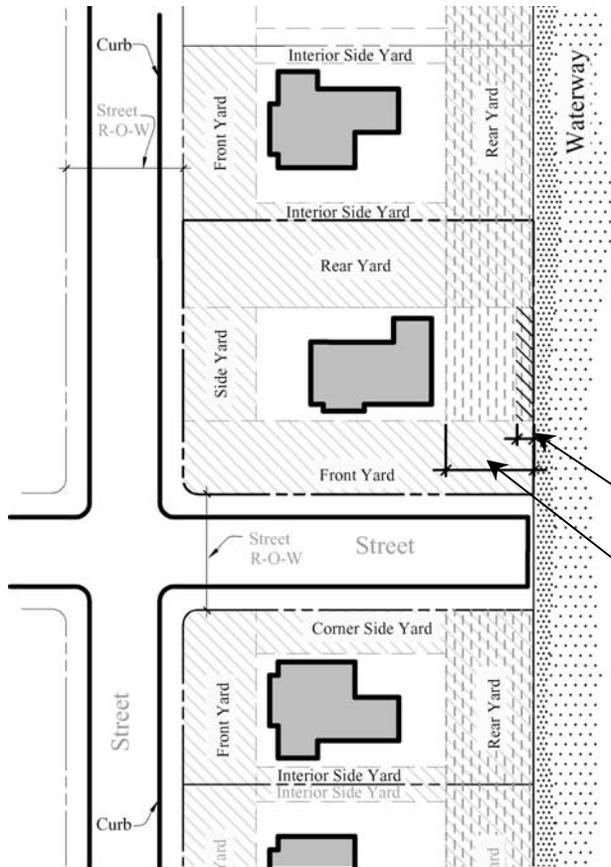
requirements. The lot coverage of accessory buildings shall be included in the total allowable lot coverage requirements[CG11].

H. Waterway s [CG12]. See illustration. 

1. Notwithstanding any other yard requirements set forth in this division, where any side or rear lot line is contiguous to a waterway, a waterway yard shall be provided which is the largest of:
 - a. The side or rear yard required in the zoning district in which the zoning lot is located, or
 - b. 30 feet, or
 - c. The depth determined by averaging the depth of existing waterway yards of all residences extending 300 feet on either side of the subject property; except that if more than four residences are located within 300 feet, the largest and smallest of the waterway yards shall not be used in determining the average depth. If the waterway yard as determined by this subsection would render a property unbuildable, a waterway yard shall be provided which is the larger of the yard required by subsections a. and b. of this section.
2. Where the requirements of this section and of Section 21.54.060.E are in conflict, the more restrictive requirements shall apply.

Illustration for Section 21.40.010.H

Waterway Yards



A waterway yard is required when a rear or side lot line is contiguous to a waterway¹.

The waterway yard is the largest of:

- a. The required side or rear yard,
- b. 30 feet, or
- c. The average depth of the existing waterway yards, see 21.40.010.H.1.c.

Side yard required in zoning district.

Required waterway yard.
Waterway yard is at least 30 feet deep and may be deeper than the required side yard.

¹ For definitions see 21.72.010.D.152 (waterway), and 21.72.010.D.161 (waterway yard).

21.40.020 R1 district

A. Purpose

The R1 district provides for single family detached dwellings at approximately six dwelling units per acre and other uses compatible with these single-family neighborhoods of the city[CG13].



A. Uses

Uses that may be permitted in the R1 district are set forth in the table of uses for residential districts in Chapter 21.48.

B. Development standards

Chapter 21.50 contains the bulk regulations table for the R1 district.

C. Additional standards

Reserved

21.40.030 R1-A district

D. Purpose

The R1-A district provides for single family detached dwellings at approximately two dwelling units per acre and other uses compatible with these single-family neighborhoods of the City.

E. Uses

Uses that may be permitted in the R1-A district are set forth in the table of uses for residential districts in Chapter 21.48.

F. Development standards

Chapter 21.50 contains the bulk regulations table for the R1-A district.

G. Additional standards

Reserved

21.40.040 R1-B district

A. Purpose

The R1-B district provides for single family detached dwellings at approximately 3.5 dwelling units per acre and other uses compatible with these single-family neighborhoods of the City.

B. Uses

Uses that may be permitted in the R1-B district are set forth in the table of uses for residential districts in Chapter 21.48.

C. Development standards

Chapter 21.50 contains the bulk regulations table for the R1-B district.

D. Additional standards

Reserved

21.40.050 R2 district

A. Purpose

The R2 district provides for single-family detached dwellings at up to eight dwelling units per acre and other uses compatible with these single-family neighborhoods of the City.

B. Uses

Uses that may be permitted in the R2 district are set forth in the table of uses for residential districts in Chapter 21.48.

C. Development standards

Chapter 21.50 contains the bulk regulations table for the R2 district.

D. Additional standards

Reserved

21.40.060 R2-Neighborhood Conservation  trict[CG14]

A. Purpose

The purpose of the R2-Neighborhood Conservation district is to preserve patterns of design and development in residential neighborhoods characterized by a diversity of styles and to ensure the preservation of a diversity of land uses, together with the protection of buildings, structures or areas the destruction or alteration of which would disrupt the existing scale and architectural character of the neighborhoods. The general purpose includes:

1. Protection of the architectural massing, composition and styles as well as neighborhood scale and character;
2. Compatibility of new construction and structural alterations with the existing scale and character of surrounding properties;
3. Encouragement of existing types of land uses that reflect the mixture and diversity of uses that have historically existed in the community; and
4. Preservation of streetscapes.

B. Uses

Uses that may be permitted in the R2 Neighborhood Conservation district are set forth in the table of uses for residential districts in Chapter 21.48.

C. Development standards

1. Chapter 21.50 contains the bulk regulations table for the R2-Neighborhood Conservation district.
2. Site Design Plan  Review[CG15]
 - a. Except as noted below in subsection b., new construction including new buildings, enlargements to building size or bulk, or structural alterations to existing structures which have an impact upon the street facade are subject to review by the Department of Planning and Zoning in accordance with the provisions of Chapter 21.22, Site Design Plan Review.
 - b. Site Design Plan Review is not required for new construction, enlargements or structural alterations which occur behind an existing building within the confines of a rearward extension of the side building lines, except that if such addition will impair an adequate supply of light and air to adjacent property or will impede the exterior maintenance of adjacent property side yards shall be provided pursuant to the R2-Neighborhood Conservation district bulk regulations table.
3. Demolitions. The Planning and Zoning Director shall review and decide all applications for demolition of buildings or structures, pursuant to Chapter 21.14, Demolition Permits.
4. Where development is subject to Site Design Plan Review, the following design standards shall apply in addition to the general standards set forth in Chapter 21.62.
 - a. Where new buildings, structures, structural alterations or structural rehabilitations, enlargements or reductions are proposed, their design shall be compatible with the historic character and design of the area and shall promote the existing spatial and visual qualities of the area, including height and scale of buildings, orientation, spacing, site coverage, and exterior features such as porches, roof pitch and direction and landscape elements.
 - b. Exterior structural alterations along the street frontage to historic structures and other structures contributing to the prevailing character of the area shall be kept to a minimum.
 - c. Design for new construction and enlargements to all existing buildings or structures in the R2-Neighborhood Conservation district shall conform to the guidelines for the relation of proposed structures to adjacent developments established in the bulk regulations table for the district and shall be compatible with the distinguishing, contributing characteristics of the majority of surrounding properties on the block face.

D. Additional standards

Administrative adjustment to residential off-street parking. The Planning and Zoning Director may waive the residential off-street parking requirement, pursuant to the

administrative adjustment procedures set forth in Chapter 21.18, if the provision of this parking will jeopardize the design objectives of the district.

E. Uses deemed conforming

1. The following uses are deemed to be conforming, pursuant to Section 21.68.030 of this Zoning Code, provided they were legally existing on November 19, 1990:
 - a. Single-family attached and detached dwellings, and
 - b. Nonresidential uses, except for uses listed in subsection E.2. of this section.
2. Warehouse, storage and/or distribution uses and automotive service uses legally existing on November 19, 1990 are not deemed to be conforming. However, these uses may apply for a special exception, pursuant to Chapter 21.26, to become conforming, provided that such application is made while the use retains its nonconforming rights under Chapter 21.68 of this Zoning Code.
3. Single-family attached and detached dwellings deemed conforming may be expanded for residential use if they otherwise meet the requirements of this district.
4. Any increase in the building bulk of nonresidential uses that become conforming under this subsection requires special exception approval pursuant to Chapter 21.26 of this Zoning Code.

21.40.070 R3 district

A. Purpose

The R3 district provides for single-family and two-family detached dwellings at up to eight dwelling units per acre and other uses compatible with these neighborhoods of the City including single-family attached and multi-family dwelling units.

B. Uses

Uses that may be permitted in the R3 district are set forth in the table of uses for residential districts in Chapter 21.48.

C. Development standards

Chapter 21.50 contains the bulk regulations table for the R3 district.

D. Additional standards

Reserved

21.40.080 R3-Neighborhood Conservation district[CG16]

A. Purpose

The R3-Neighborhood Conservation district is designed to ensure the preservation of buildings, structures and areas, the destruction or alteration of which would disrupt the existing scale and architectural character of the neighborhood. This purpose includes:

1. Preserving, protecting and enhancing streetscapes, structures and areas of architectural, historic or cultural importance, although individual elements may not merit distinction.
2. Encouraging new construction, or alterations that are compatible with the existing scale and character of surrounding properties; and
3. Encouraging the rehabilitation and continued use of existing buildings rather than their demolition.

B. Uses

Uses that may be permitted in the R3-Neighborhood Conservation district are set forth in the table of uses for residential districts in Chapter 21.48.

C. Development standards

1. Chapter 21.50 contains the bulk regulations table for the R3-Neighborhood Conservation district.
2. Enlargements or substantial alterations to existing structures are subject to review by the Department of Planning and Zoning in accordance with the provisions of Chapter 21.22, Site Design Plan Review.
3. Demolitions. The Planning and Zoning Director shall review and decide all applications for demolition of buildings or structures, pursuant to Chapter 21.14, Demolition Permits.
4. Where development is subject to Site Design Plan Review, the following design standards shall apply in addition to the general standards set forth in Chapter 21.62.
 - a. Where new buildings, structures, structural alterations or structural rehabilitations, enlargements or reductions are proposed, their design shall be compatible with the historic character and design of the area and shall promote the existing spatial and visual qualities of the area, including height and scale of buildings, orientation, spacing, site coverage, and exterior features such as porches, roof pitch and direction and landscape elements.
 - b. Every reasonable effort shall be made to minimize exterior changes to existing structures, the site and their environment.
 - c. Where specific design guidelines have been established and officially adopted for the R3-Neighborhood Conservation district or a portion thereof, any new construction, structural enlargement or reduction in floor area shall be in conformance with those guidelines.

- d. Where a site plan for a new use of a site is proposed and submitted, consideration shall be given to the benefits that the proposed development would give to the R3-Neighborhood Conservation district over the preservation of existing buildings or structures.

D. Additional standards

Reserved

21.40.090 R3-Neighborhood Conservation 2 rict[CG17]

A. Purpose

The purpose of the R3-Neighborhood Conservation 2 district is to preserve patterns of design and development in residential neighborhoods characterized by a diversity of styles and to ensure the preservation of a diversity of land uses, together with the protection of buildings, structures or areas the destruction or alteration of which would disrupt the existing scale and architectural character of the neighborhoods. The general purpose includes:

1. Protection of the architectural massing, composition and styles as well as neighborhood scale and character;
2. Assuring the compatibility of new construction and structural alterations with the existing scale and character of surrounding properties;
3. Encouragement of existing types of land uses that reflect the mixture and diversity of uses that have historically existed in the community; and
4. Preservation of streetscapes.

B. Uses

Uses that may be permitted in the R3-Neighborhood Conservation 2 district are set forth in the table of uses for residential districts in Chapter 21.48.

C. Development standards

1. Chapter 21.50 contains the bulk regulations table for the R3-Neighborhood Conservation 2 district.
2. Site Design Plan  ew[CG18]
 - a. Except as noted below in subsection b., new construction including new buildings, enlargements to building size or bulk, or structural alterations to existing structures which have an impact upon the street facade are subject to review by the Department of Planning and Zoning in accordance with the provisions of Chapter 21.22, Site Design Plan Review.
 - b. Site Design Plan Review is not required for new construction, enlargements or structural alterations which occur behind an existing building within the confines of a rearward extension of the side building lines, except that if such addition will impair an adequate supply of light and air to adjacent property or will impede the exterior

maintenance of adjacent property side yards shall be provided pursuant to the R3-Neighborhood Conservation 2 district bulk regulations table.

3. Demolitions. The Planning and Zoning Director shall review and decide all applications for demolition of buildings or structures pursuant to Chapter 21.14, Demolition Permits.
4. Where development is subject to Site Design Plan Review, the following design standards shall apply in addition to the general standards set forth in Chapter 21.62.
 - a. The design shall be consistent with the other structures in the R3-Neighborhood Conservation 2 district, including height and scale of buildings, orientation, spacing, site coverage, and exterior features such as porches, roof pitch and direction and landscape elements.
 - b. All structures shall maintain the setbacks established in the bulk regulations table for the district, if any, for the block on which they are proposed. The design shall have bulk, massing and scale similar to the structures on the block face.
 - c. In addition to the requirements of this section, the design shall conform to the design standards established in any neighborhood plan adopted by the City Council for the area in which the property is located.
 - d. Exterior structural alterations along the street frontage shall be allowed only if they contribute to the preservation of the structure.
 - e. Streetscape improvements, including sidewalks, curbs, planting strips, etc., shall conform to the design standards established in the neighborhood plan adopted by the City Council for the area in which the property is located.

D. Additional standards

Administrative adjustment to residential off-street parking. The Planning and Zoning Director may waive the residential off-street parking requirement, pursuant to the administrative adjustment procedures set forth in Chapter 21.18, if the provision of this parking will jeopardize the design objectives of the district.

E. Uses deemed conforming

Single-family attached and detached dwellings and multi-family dwellings of four or fewer units lawfully existing on November 26, 2001 shall be deemed to be conforming, pursuant to Section 21.68.030 of this Zoning Code.

21.40.100 R3-Revitalization [istrict[CG19]

A. Purpose

The purpose of the R3-Revitalization district is to ensure the preservation of buildings, structures and areas, the destruction or alteration of which would disrupt the existing scale and architectural character of the neighborhood. The general purpose is also intended to:

1. Preserve, protect and enhance streetscapes and structures;

2. Encourage new construction, or alterations which are compatible with the existing scale and character of surrounding properties; and
3. Encourage the rehabilitation and continued use of existing buildings rather than their demolition.

B. Uses

Uses that may be permitted in the R3-Revitalization district are set forth in the table of uses for residential districts in Chapter 21.48.

C. Development standards

1. Chapter 21.50 contains the bulk regulations table for the R3-Revitalization district.
2. Site Design Plan iew[CG20]
 - a. New construction including new buildings, enlargements to building size or bulk, or structural alterations to existing structures are subject to review by Department of Planning and Zoning in accordance with the provisions of Chapter 21.22, Site Design Plan Review.
 - b. Where new buildings, structures or structural enlargements or reductions are proposed, the design shall be compatible with and enhance those spatial and visual qualities in the R3-Revitalization district, including height and scale of buildings, orientation, spacing, site coverage and exterior features such as porches, roof pitch and direction, and landscape elements. All new structures or enlargements of existing structures shall have bulk, massing and scale similar to the majority of the structures in the R3-Revitalization district.
3. Demolitions
 - a. The Planning and Zoning Director shall review and decide all applications for demolition of buildings or structures pursuant to Chapter 21.14, Demolition Permits.
 - b. In addition to the demolition application review criteria set forth in Section 21.14.040, the Planning and Zoning Director shall ensure that demolition is not for the purposes of assembling properties for the construction of a large-scale structure, if such assemblage is determined to be incompatible with the purposes and intent of the R3-Revitalization district.

D. Additional standards

Administrative adjustment to residential off-street parking. The Planning and Zoning Director may waive the residential off-street parking requirement, pursuant to the administrative adjustment procedures set forth in Chapter 21.18, if the provision of this parking will jeopardize the design objectives of the district.

- b. Where new buildings, structures or structural enlargements or reductions are proposed, the design shall be compatible with and enhance those spatial and visual qualities in the R4-Revitalization district, including height and scale of buildings, orientation, spacing, site coverage and exterior features such as porches, roof pitch and direction, and landscape elements. All new structures or enlargements of existing structures shall have bulk, massing and scale similar to the majority of the structures in the R4-Revitalization district.
 - c. Where a site plan for a new use of a site is proposed and submitted, consideration shall be given to the benefits that the proposed development would give to the R4-Revitalization district.
3. Demolitions.
- a. The Planning and Zoning Director shall review and decide all applications for demolition of buildings or structures pursuant to Chapter 21.14, Demolition Permits.
 - b. In addition to the demolition application review criteria set forth in Section 21.14.040, the Planning and Zoning Director shall ensure that demolition is not for the purposes of assembling properties for the construction of a large-scale structure, if such assemblage is determined to be incompatible with the purposes and intent of the R4-Revitalization district.

D. Additional standards

Administrative adjustment to residential off-street parking. The Planning and Zoning Director may waive the residential off-street parking requirement, pursuant to the administrative adjustment procedures set forth in Chapter 21.18, if the provision of this parking will jeopardize the design objectives of the district.

E. Uses deemed conforming

The following uses are deemed to be conforming, pursuant to Section 21.68.030 of this Zoning Code.

- 1. Residential dwelling units lawfully existing on September 9, 1996. These may be expanded for residential use provided that no additional dwelling units are created and if they otherwise meet the requirements of this district.
- 2. Non-residential uses lawfully existing as of September 9, 1996, except that any increase in the building bulk of these uses requires special exception approval.

21.40.130 C1 Conservation Residence district

A. Purpose

The C1 Conservation Residence district is designed to encourage the conservation of the educational, cultural and historic character of the old city.

B. Uses

Uses that may be permitted in the C1 district are set forth in the table of uses for residential districts in Chapter 21.48.

C. Development standards

1. Chapter 21.50 contains the bulk regulations table for the C1 district.
2. No single use of property may occupy more than two adjacent buildings.

D. Additional standards

Reserved

21.40.140 C1-A Special Conservation Residence district

A. Purpose

The C1-A Special Conservation Residence district is designed to preserve neighborhoods that have been identified as "at risk" in the Annapolis Comprehensive Plan as amended through and including amendments to the "Ward One Sector Study." At risk neighborhoods are identified as being significantly impacted by at least two of the following characteristics:

1. A growing number of nonconforming uses,
2. Unmaintained buildings or lots,
3. Traffic volumes inconsistent with strictly residential land uses due to through commercial traffic, and
4. Other adverse impact from nearby commercial uses.

Lands zoned C1-A are the focus of the intensive public efforts, including periodic monitoring of land uses, to minimize conversions from single-family to multi-family or office use, to stabilize and enhance the residential quality of life, and to encourage single-family development and conversion to single-family use.

B. Uses

Uses that may be permitted in the C1-A district are set forth in the table of uses for residential districts in Chapter 21.48.

C. Development standards

1. Chapter 21.50 contains the bulk regulations table for the C1-A district.
2. No single use of property may occupy more than two adjacent buildings.
3. All new construction including alterations (any change to the exterior of a structure) and enlargements (changes made to increase the bulk of a structure) to existing structures are subject to review by Department of Planning and Zoning in accordance with the provisions

of Chapter 21.22, Site Design Plan Review, and Chapter 21.56, Historic District, if applicable.

D. Additional standards

Reserved

E. Uses deemed conforming

Multi-family dwellings lawfully existing on June 20, 1994 are deemed conforming for the purposes of condominium conversion regardless of lot area or parking requirements, pursuant to Section 21.68.030 of this Zoning Code.

Chapter 21.42 Commercial and Industrial Districts

Sections

21.42.010	Regulations applicable to all commercial and industrial districts
21.42.020	B1 Convenience Shopping district
21.42.030	B2 Community Shopping district
21.42.040	B3 General Commercial district
21.42.050	B3-CD Corridor Design district
21.42.060	BCE Business Corridor Enhancement district
21.42.070	BR Business Revitalization district
21.42.080	C2 Conservation Business District
21.42.090	C2A Special Conservation Business District
21.42.100	PM2 Professional Mixed Office Park district
21.42.110	I1 Industrial district

21.42.010 Regulations applicable to all commercial and industrial districts

- A. Where a property on a street frontage between intersecting streets is zoned partially residence and partially business, the front yard requirement of the residence district shall be applied to the entire street frontage.
- B. Dispensing devices with a height of not over six feet shall be exempt from the established front yard or corner side yard requirements, but all of these dispensing devices shall be set back from the front lot line and the corner side lot line a distance of not less than 15 feet[CG23].
- C. Where the front, side or rear lot line of a lot adjoins a public open space which is at least two acres in area and of a depth perpendicular to the lot line of not less than 200 feet, the floor area ratio set forth in the bulk regulations tables may be increased by 15 percent[CG24].

21.42.020 B1 Convenience Shopping district

A. Purpose

The B1 Convenience Shopping District is designed for the convenience shopping of persons residing in adjacent residential areas, as well as to provide for some general retail shopping needs and other compatible uses. All uses in the B1 district must be compatible with surrounding residential neighborhoods.

In the B1 district maximum limits are placed on the floor area of business establishments in order to limit the volume of vehicular and pedestrian traffic in and around convenience shopping centers to a level consistent with their function and location[CG25].

B. Uses

Uses that may be permitted in the B1 district are set forth in the table of uses for commercial and industrial districts in Chapter 21.48.

C. Development standards

Chapter 21.50 contains the bulk regulations table for the B1 district.

D. Additional standards

1. Off-street parking spaces shall be located at either the side or rear of  property[CG26].
2. All business, servicing or processing in the B1 district, except for off-street parking or loading, shall be conducted within completely enclosed buildings.
3. The parking of trucks as an accessory use, when used in the conduct of a permitted business in the B1 district, is limited to vehicles up to 1.5 tons capacity when the storage space for the vehicle is located within 150 feet of a residential district.

21.42.030 B2 Community Shopping district

A. Purpose

The B2 Community Shopping District is designed to accommodate the needs of a large consumer population; thus, a wide range of uses is permitted for both daily and occasional shopping[CG27].

B. Uses

Uses that may be permitted in the B2 district are set forth in the table of uses for commercial and industrial districts in Chapter 21.48.

C. Development standards

Chapter 21.50 contains the bulk regulations table for the B2 district.

D. Additional standards

1. All business, servicing or processing in the B2 district, except for off-street parking or loading, shall be conducted within completely enclosed buildings.
2. The parking of trucks as an accessory use, when used in the conduct of a permitted business in the B2 district, is limited to vehicles up to 1.5 tons capacity when the storage space for the vehicle is located within 150 feet of a residential district.

21.42.040 B3 General Commercial district

A. Purpose

The B3 General Commercial District is designed to accommodate those commercial activities which may be incompatible with the predominantly retail uses permitted in other business districts; and whose service area is not confined to any one neighborhood or community.

B. Uses

Uses that may be permitted in the B3 district are set forth in the table of uses for commercial and industrial districts in Chapter 21.48.

C. Development standards

Chapter 21.50 contains the bulk regulations table for the B3 district.

D. Additional standards

All business, servicing or processing in the B3 district shall be conducted within completely enclosed buildings, with the following exceptions: establishments of the "drive-in" type offering goods or services directly to customers waiting in parked motor vehicles, display of merchandise for sale to the public and off-street parking and loading.

21.42.050 B3-CD Corridor Design district

A. Purpose

The B3-CD Corridor Design district is designed to protect the aesthetic and visual character of lands adjacent to major business corridors by encouraging and better articulating positive commercial design guidelines along commercial corridors, protecting adjacent uses from the impacts of commercial development, and providing for the safe and efficient use of adjacent roadway corridors.

The compatible relationship of architecture along roads in the B3-CD Corridor Design district is of critical public concern for any buildings or site improvements. The intent of the design review is not to stifle innovative architecture but to assure respect for and reduce incompatible and adverse impacts on the visual experience from the roadway[CG28].



B. Uses

Uses that may be permitted in the B3-CD district are set forth in the table of uses for commercial and industrial districts in Chapter 21.48.

C. Development standards

1. Chapter 21.50 contains the bulk regulations table for the B3-CD district.
2. Where development is subject to Site Design Plan Review, the following design standards shall apply in addition to the general standards set forth in Chapter 21.62.
 - a. Sites shall be planned to accomplish a desirable transition with the streetscape and to provide for adequate planting, safe pedestrian movement, and parking areas.
 - b. Parking areas shall be treated with decorative elements, building wall extensions, plantings, berms, or other innovative means so as to screen parking areas from view from public ways.
 - c. Newly installed utility services and service revisions necessitated by exterior alterations shall be underground.
 - d. Streetscape improvements shall be designed to be consistent with all standards in this section, and shall be reviewed for aesthetic functionality and compatibility with the prevailing character.

e. **Height**

- i. The variation between the height of a new building and the height of adjacent buildings should not vary by more than one story within 30 feet from any existing adjacent building.
- ii. A building in excess of 45 feet should be set back 50 feet from the front line and 50 feet from the rear lot line.

D. Additional standards

Reserved

21.42.060 BCE Business Corridor Enhancement  **istrict[CG29]**

A. Purpose

The BCE Business Corridor Enhancement district is designed to increase commercial and certain residential opportunities and to promote and encourage mixed use while protecting the aesthetic and visual character of lands adjacent to the major business corridors by encouraging and better articulating positive commercial and certain residential design guidelines along commercial corridors, protecting adjacent uses from the impacts of commercial development, and providing for the safe and efficient use of adjacent roadway corridors.

B. Uses

1. Uses that may be permitted in the BCE district are set forth in the table of uses for commercial and industrial districts in Chapter 21.48.
2. In the BCE district any non-residential use over 25,000 square feet gross floor area requires special exception approval.

C. Development standards

1. Chapter 21.50 contains the bulk regulations table for the BCE district.
2. **Design Standards.** Where development is subject to Site Design Plan Review, the following design standards shall apply in addition to the general standards set forth in Chapter 21.62.
 - a. The site shall be planned to accomplish a desirable transition with the streetscape and to provide for adequate planting, safe pedestrian movement, and parking areas.
 - b. Parking areas shall be treated with decorative elements, building wall extensions, plantings, berms, or other innovative means so as to screen parking areas from view from public ways.
 - c. Newly installed utility services and service revisions necessitated by exterior alterations shall be underground.

- d. Streetscape improvements shall be designed to be consistent with all standards in this section, and shall be reviewed for aesthetic functionality and compatibility with the prevailing character.
- e. **Height.** Except in the case of multi-family dwellings, the following standards apply:
 - i. The variation between the height of a new building and the height of adjacent buildings should not vary by more than one story within 30 feet from any existing adjacent building.
 - ii. A building in excess of 45 feet should be set back 50 feet from the front line and 50 feet from the rear lot line.

3. Site access criteria

- a. The proposed development project shall be designed to minimize left turn movements or conflicts on the site and in the street.
- b. Driveways should be designed to achieve clear sight lines.
- c. Site access and circulation should conform whenever feasible to the following standards in this subsection. However, the Planning and Zoning Director may in his/her discretion modify the site access criteria for sites developed for uses in the BCE district based on the adjacent road configuration, the location and constraints of the specific site and the nature and density of the proposed uses and structures[CG30].
 - i. Where a site or lot has frontage on two or more roads, the access to the site should be provided to the site from the lower classified road, unless there is less potential for traffic congestion and for hazards to traffic and pedestrian movement from the higher classified road.
 - ii. Where necessary to safeguard against hazards to traffic and pedestrians and/or to avoid traffic congestion, provisions shall be made for turning lanes, traffic directional islands, service roads, driveways and traffic controls within the road. It is the further objective of the BCE district to minimize curb cuts and driveways by denying direct access for new lots.
 - iii. Access driveways should be designed with sufficient capacity to avoid queuing of entering vehicles on any road or street.
 - iv. Where topographic and other conditions are reasonably usable, provision shall be made for circulation driveway connections to adjoining lots of similar existing or potential use when such driveway connections will facilitate fire protection services or will enable the public to travel between two existing or potential uses without need to travel on a street.
 - v. There should be no more than one driveway connection from any site or lot to any street, except where separate entrances and exit driveways may be necessary to safeguard against hazards and to avoid congestion. Additional driveways shall also be considered for large tracts and uses of extensive scope, if traffic flow on adjacent roads will be facilitated by the additional connections.

21.40.110 R4 district

A. Purpose

The R4 district provides for single family detached dwellings at up to nine dwelling units per acre and other uses compatible with these neighborhoods of the City including apartment hotels, and single-family attached and multi-family dwelling units.

B. Uses

Uses that may be permitted in the R4 district are set forth in the table of uses for residential districts in Chapter 21.48.

C. Development standards

Chapter 21.50 contains the bulk regulations table for the R4 district.

D. Additional standards

Reserved

21.40.120 R4-Revitalization trict[CG21]

A. Purpose

The purpose of the R4-Revitalization district is to ensure the preservation of buildings, structures and areas, the destruction or alteration of which would disrupt the existing scale and architectural character of the neighborhood. The general purpose is also intended to:

1. Preserve, protect and enhance streetscapes and structures;
2. Encourage new construction, or alterations which are compatible with the existing scale and character of surrounding properties; and
3. Encourage the rehabilitation and continued use of existing buildings rather than their demolition.

B. Uses

Uses that may be permitted in the R4-Revitalization district are set forth in the table of uses for residential districts in Chapter 21.48.

C. Development standards

1. Chapter 21.50 contains the bulk regulations table for the R4-Revitalization district.
2. Site Design Plan  ew[CG22]
 - a. New construction including new buildings, enlargements to building size or bulk, or structural alterations to existing structures are subject to review by Department of Planning and Zoning in accordance with the provisions of Chapter 21.22, Site Design Plan Review.

- vi. Each access driveway shall be located and designed so as to cause the least practical interference with the use of adjacent property and with the movement of pedestrian or vehicular traffic.
- vii. Access driveway widths shall have the following dimensions:
 - a) A minimum of 12 feet for all one-way driveways, not to exceed 15 feet.
 - b) A minimum of 24 feet for all two-way driveways; not to exceed 25 feet.
- viii. A design objective within the BCE district is to allow no more than two driveways for each 200 feet of street frontage on any lot. When a site is developed or redeveloped in the BCE district, excess driveways shall be eliminated or relocated when possible to achieve this objective. Circulation driveways are encouraged to minimize excess curb cuts and driveways.

D. Additional standards

Reserved

E. Uses deemed conforming

Uses existing on October 11, 1993 are deemed conforming for the purposes of expansion, pursuant to Section 21.68.030 of this Zoning Code.

21.42.070 BR Business Revitalization district

A. Purpose

The BR Business Revitalization district is designed to encourage the reestablishment of community oriented businesses owned and operated by members of the surrounding residential community.

B. Uses

Uses that may be permitted in the BR district are set forth in the table of uses for commercial and industrial districts in Chapter 21.48.

C. Development standards

1. Chapter 21.50 contains the bulk regulations table for the BR district.
2. **Design Standards.** Where development is subject to Site Design Plan Review, the following design standards shall apply in addition to the general standards set forth in Chapter 21.62.
 - a. The height of a building as measured on the rear portion of a sloping site should not rise substantially above any residential structures adjacent to the building.
 - b. The design of rear entrances to commercial buildings shall be casual, utilitarian, appropriate to its surroundings and take into account the interests of any nearby residential uses.

- c. The design of each new building and its site shall be of an urban not a suburban character.

D. Additional standards

1. **Administrative adjustment to off-street parking.** Pursuant to the administrative adjustment procedures set forth in Chapter 21.18, the Planning and Zoning Director may adjust the off-street parking requirements as follows upon a demonstration that reasonable alternative parking facilities are available:
 - a. For development of new buildings on zoning lots of 10,000 square feet or greater a waiver of up to 75 percent of the off-street parking requirement may be granted.
 - b. For rehabilitation or expansion of existing buildings and the development of new buildings on zoning lots less than 10,000 square feet, the off-street parking requirement may be waived completely.
2. **Loading and unloading.**
 - a. Off-street loading facilities are not required in the BR district.
 - b. Vehicles used for loading and unloading purposes shall park only within a designated off-street loading space at any time; or in a designated on-street loading zone, between the hours of six a.m. and eleven a.m., unless the zone is posted for other hours.

21.42.080 C2 Conservation Business District

A. Purpose

The C2 Conservation Business district is designed to encourage the preservation of the old city by allowing a compatible mixture of business and home crafts and shops, unique to the early development of the city.

B. Uses

Uses that may be permitted in the C2 district are set forth in the table of uses for commercial and industrial districts in Chapter 21.48.

C. Development standards

Chapter 21.50 contains the bulk regulations table for the C2 district.

D. Additional standards

1. All business, servicing or processing in the C2 district, except for off-street parking or loading, shall be conducted within completely enclosed buildings.
3. Food service establishment restrictions apply in the C2 district, see Section 21.64.260.
4. Off-street loading spaces are not required in the C2 district.

21.42.090 C2A Special Conservation Business District

A. Purpose

The C2A Special Conservation Business district is designed to recognize and maintain existing commercial uses, while ensuring no further encroachment of these uses into adjacent residential neighborhoods. The C2A district is further designed to serve as a transitional zone by accommodating limited commercial uses of a nature that will be compatible with the character of adjoining residential properties.

B. Uses

Uses that may be permitted in the C2A district are set forth in the table of uses for commercial and industrial districts in Chapter 21.48.

C. Development standards

Chapter 21.50 contains the bulk regulations table for the C2A district.

D. Additional standards

1. Food service establishment restrictions apply in the C2A district, see Section 21.64.260.
2. Off-street loading spaces are not required in the C2A district.

21.42.100 PM2 Professional Mixed Office Park district

A. Purpose

The PM2 Professional Mixed Office Park district is designed to encourage neighborhood commercial and/or transitional office uses, under parameters designed to maintain a low intensity and impact on surrounding properties.

B. Uses

Uses that may be permitted in the PM2 district are set forth in the table of uses for commercial and industrial districts in Chapter 21.48.

C. Development standards

Chapter 21.50 contains the bulk regulations table for the PM2 district.

D. Additional standards

Reserved

21.42.110 I1 Industrial district

A. Purpose

The I1 industrial district is designed to provide an environment suitable for industrial activities that do not create appreciable nuisances or hazards.

B. Uses

Uses that may be permitted in the I1 district are set forth in the table of uses for commercial and industrial districts in Chapter 21.48.

C. Development standards

Chapter 21.50 contains the bulk regulations table for the I1 district.

D. Additional standards

1. All business, servicing or processing in the I1 district, except for off-street parking and off-street loading, shall be conducted within completely enclosed buildings.
2. All storage, except of motor vehicles in operable condition, shall be within completely enclosed buildings or effectively screened by a solid wall or fence (including solid entrance and exit gates).

Chapter 21.44 Office and Mixed Use Zoning Districts

Sections

21.44.010	P Professional Office district
21.44.020	PM Professional Mixed Office district
21.44.030	MX Mixed Use district
21.44.040	C2P Conservation Professional Office district

21.44.010 P Professional Office district

A. Purpose

The Professional Office district is designed to accommodate office and institutional uses of a nature that will be compatible with the character of adjoining residential or business properties. It is not designed for retail or service activities generating customer traffic or delivery of goods.

B. Uses

Uses that may be permitted in the P district are set forth in the table of uses for Office and Mixed Use Zoning Districts in Chapter 21.48.

C. Development standards

Chapter 21.50 contains the bulk regulations table for the P district.

D. Additional standards

On a lot of record, a single-family dwelling may be established or enlarged regardless of the size of the lot, provided that all other requirements of this Zoning Code are met.

21.44.020 PM Professional Mixed Office district

A. Purpose

The Professional Mixed Office district is designed to serve as a transitional zone reducing commercial/office impact on adjoining residential neighborhoods.

B. Uses

Uses that may be permitted in the PM district are set forth in the table of uses for Office and Mixed Use Zoning Districts in Chapter 21.48.

C. Development standards

1. Chapter 21.50 contains the bulk regulations table for the PM district.
2. **Design standards.** Where development is subject to Site Design Plan Review, the following design standards shall apply in addition to the general standards set forth in Chapter 21.62.

- a. **Location.** Structures shall be located at the front of the site.
- b. **Buffer Areas.** Areas designated on a site plan as buffer areas shall not be utilized for utilities, stormwater management, erosion control and signage, or grading. Buffer areas shall remain in their natural state, supplemented with additional planting.
- c. **Commercial building facades.** Each facade should be viewed as both an individual design and as a collection of relatively standard parts consistently arranged. The basic facade composition consists of the wall, the structural rhythm and the window openings. Changes to the facade of any existing building should be confined to openings within the facade.
- d. **Elevated structures.** In cases where parking is provided beneath an elevated structure, the street-side portion of the building shall be available for useable office/commercial space excluding driveway and lobby areas. All exterior views of the structure shall resemble a working facade.
- e. **Parking.** Off street parking spaces shall be located either underground or towards the rear of the lot behind any buildings and structures.

D. Additional standards

Loading and unloading. Loading and unloading in a designated on-street loading zone may occur only between the hours of six a.m. and eleven a.m.

21.44.030 MX Mixed Use district

A. Purpose

The Mixed Use district is designed to encourage a mixture of residential, office and retail uses within the inner West Street corridor compatible with each other and with surrounding areas.

B. Uses

Uses that may be permitted in the MX district are set forth in the table of uses for Office and Mixed Use Zoning Districts in Chapter 21.48.

C. Development standards

- 1. Chapter 21.50 contains the bulk regulations table for the MX district.
- 2. Notwithstanding the regulations set forth in Section 21.38.030.E, approval as a planned development is not required for a building in the MX district solely because it has a height greater than 45 feet.
- 3. **Design Standards.** Where development is subject to Site Design Plan Review, the following design standards shall apply in addition to the general standards set forth in Chapter 21.62.
 - a. **Character.** The design of each new building and its site shall be of an urban not a suburban character.

- b. **Building location.** Buildings shall be located close to the street with parking located to the rear of the zoning lot.
- c. **Height.** The height of a building as measured on the rear portion of a sloping site should not rise substantially above any residential structures adjacent to the building.
- d. **Ground floor of commercial buildings.** The ground floor of a commercial building facade shall:
 - i. Be differentiated from the upper floors to establish a distinct base for the building;
 - ii. Be at least 12 feet in height; and
 - iii. Be glazed on at least 60 percent of the facade.
- e. **Rear entrances.** The design of rear entrances to commercial buildings shall be utilitarian, appropriate to the surroundings and take into account the interests of any nearby residential uses.

D. Additional standards

1. **Parking requirements for changes of use.** Notwithstanding the requirements of 21.66.030.G., when the existing use of a building or structure is changed to a new use, parking and loading facilities are mandatory regardless of the date when the building or structure was erected.
2. **Administrative adjustment to off-street parking.** Pursuant to the administrative adjustment procedures set forth in Chapter 21.18, the Planning and Zoning Director may adjust the off-street parking requirements as follows upon a demonstration that reasonable alternative parking facilities are available:
 - a. For development of new buildings on zoning lots of 10,000 square feet or greater a waiver of up to 75 percent of the off-street parking requirement may be granted.
 - b. For rehabilitation or expansion of existing buildings and the development of new buildings on zoning lots less than 10,000 square feet, the off-street parking requirement may be waived completely.
3. **Loading and unloading.** Vehicles used for loading and unloading purposes shall park only within a designated off-street loading space at any time; or in a designated on-street loading zone, between the hours of six a.m. and eleven a.m., unless the zone is posted for other hours.

21.44.040 C2P Conservation Professional Office district

A. Purpose

The Conservation Professional Office district is designed to serve as a transitional zone between predominately commercial and residential districts, to buffer adjoining residential neighborhoods from commercial and other nonresidential impacts, and to properly zone certain existing, established office uses that, over time, have been shown to be compatible with adjacent residential areas. It is intended to accommodate office uses of a nature that will be

compatible with the character of adjoining residential properties by allowing professional office uses that operate with minimal customer and delivery traffic.

B. Uses

Uses that may be permitted in the C2P district are set forth in the table of uses for Office and Mixed Use Zoning Districts in Chapter 21.48.

C. Development standards

Chapter 21.50 contains the bulk regulations table for the C2P district.

D. Additional standards

Reserved

Chapter 21.46 Waterfront Maritime Districts

Sections

21.46.010	Regulations applicable to all waterfront districts
21.46.020	WMC Waterfront Maritime Conservation district
21.46.030	WMM Waterfront Mixed Maritime district
21.46.040	WMI Waterfront Maritime Industrial district
21.46.050	WME Waterfront Maritime Eastport district

21.46.010 Regulations applicable to all waterfront districts

Administrative adjustment to buffer and planting standards. Where the buffer and planting standards in Chapter 21.62 conflict with necessary maritime access, the Planning and Zoning Director may adjust these standards pursuant to the procedures set forth in Chapter 21.18 where it is found that:

- A. The overall amount of internal landscaping equals or exceeds seven percent of the parking area;
- B. Perimeter buffer requirements have been met; and
- C. The interior planting standards cannot physically be implemented due to the use of the area for permitted maritime uses that require access and mobility for the servicing or storage of boats.

21.46.020 WMC Waterfront Maritime Conservation district

A. Purpose

The WMC Waterfront Maritime Conservation district is intended to provide a location for maritime-related activities, public access and recreational uses of the waterfront in an attractive environment which supports and is harmonious with the interrelationship of the historic urban core, the waterfront and adjacent commercial and residential uses.

B. Uses

Uses that may be permitted in the WMC district are set forth in the table of uses for Waterfront Maritime Districts in Chapter 21.48.

C. Development standards

1. Chapter 21.50 contains the bulk regulations table for the WMC district.
2. In the WMC district, Chapter 21.56, Historic District, shall govern the regulation of structures within the historic district; provided, that if there are any inconsistencies between this chapter and Chapter 21.56, the more restrictive shall prevail.
3. Where a public pedestrian walkway is provided pursuant to the bulk regulations table for the WMC district, it shall meet the minimum standards set forth in Section 21.62.020.J.

D. Additional standards

Reserved

E. Uses deemed conforming

Buildings or structures, located within required setbacks, lawfully existing on August 24, 1987, designed, maintained and continuously used for enumerated maritime uses are deemed conforming pursuant to Section 21.68.030 of this Zoning Code, provided that any alterations do not increase beyond existing structural supports and the alteration is designed, intended and used for one of the enumerated maritime uses.

21.46.030 WMM Waterfront Mixed Maritime district

A. Purpose

The WMM Waterfront Mixed Maritime district is intended to reserve areas along the water's edge for maritime uses, provide an environment for supporting maritime merchandising efforts and to encourage the preservation of existing buildings and uses. In support of specified maritime uses, the WMM district also provides for some non-maritime uses. The visual image of this area as an active maritime center is to be encouraged and maintained.

B. Uses

Uses that may be permitted in the WMM district are set forth in the table of uses for Waterfront Maritime Districts in Chapter 21.48.

C. Development standards

1. Chapter 21.50 contains the bulk regulations table for the WMM district.
2. **100-foot maritime use setback.** A 100-foot maritime use setback applies in the WMM district.
 - a. Except as provided for below in subsection b., only water-dependent structures and associated parking are permitted within the 100-foot maritime use setback.
 - b. Non water-dependent buildings, structures, or parking are permitted within the 100-foot maritime use setback only in accordance with a site plan incorporating the following criteria:
 - i. Buildings and structures must be set back at least 100 feet from the bulkhead for at least 50 percent of the lot width, and
 - ii. The total gross open area contiguous to the waterfront and continuous on the site remains equal in square footage to 100 times the lineal shoreline frontage of the zoning lot.
 - c. Structures for the rack storage of boats are permitted within the 100-foot maritime use provided they are no taller than eight feet and do not use motorized lifts.
3. **Parking in structures.** In cases where parking is provided within or beneath a structure, all exterior views of the structure shall resemble a working facade.

D. Uses deemed conforming

The following uses are deemed conforming pursuant to Section 21.68.030 of this Zoning Code:

1. Single-family residential attached and detached dwellings, lawfully existing on August 24, 1987, may be expanded for residential use if the expansion otherwise meet the requirements of the R2 district. Unlawful uses occupying such residences on August 24, 1987 are not deemed to be conforming.
2. Buildings or structures designed and intended for seafood industrial, in-water boat storage, on-land boat storage, boat repair and maintenance or marine fabrication uses existing as of August 24, 1987 are exempt from the requirement to provide a waterway yard. Expansion of such a building or structure is permitted only for uses allowed within the 100-foot maritime use setback.
3. Buildings or structures located within the 100-foot maritime use setback, lawfully existing on August 24, 1987, designed, maintained and continuously used for seafood industrial, boat repair, storage, and maintenance or marine fabrication uses, including principal buildings or structures, may be continued, repaired and altered, provided that such alterations do not increase the exterior bulk of the building or structure through further encroachment on the maritime use setback area contiguous to the waterfront or through increased height.
4. Restaurants existing prior to August 24, 1987 are permitted provided that they comply with all of the use standards for standard restaurants in the WMM district, or provided that seafood industrial, on-land boat storage, boat repair and maintenance or marine fabrication uses are maintained such that the square footage of the existing restaurant use does not exceed the square footage of the other enumerated maritime uses.

21.46.040 WMI Waterfront Maritime Industrial district

A. Purpose

The WMI Waterfront Maritime Industrial district is intended to provide a location for land intensive maritime and accessory uses which require or clearly benefit from a waterfront location. It is the further intent of this district to support the City's maritime industry by limiting competing land uses and buffering adjacent uses from the adverse effects of permitted uses.

B. Uses

Uses that may be permitted in the WMI district are set forth in the table of uses for Waterfront Maritime Districts in Chapter 21.48.

C. Development standards

1. Chapter 21.50 contains the bulk regulations table for the WMI district.
2. **100-foot maritime use setback.** A 100-foot maritime use setback applies in the WMI district.
 - a. Except as provided for below in subsection b., only water-dependent structures and associated parking are permitted within the 100-foot maritime use setback.

- b. Non- non water-dependent buildings, structures, or parking are permitted within the 100-foot maritime use setback only in accordance with a site plan incorporating the following criteria:
 - i. Buildings and structures must be set back at least 100 feet from the bulkhead for at least 50 percent of the lot width, and
 - ii. The total gross open area contiguous to the waterfront and continuous on the site remains equal in square footage to 100 times the lineal shoreline frontage of the zoning lot.
- c. Structures for the rack storage of boats are permitted within the 100-foot maritime use provided they are no taller than eight feet and do not use motorized lifts.

D. Additional standards

Reserved

E. Uses deemed conforming

The following uses are deemed conforming pursuant to Section 21.68.030 of this Zoning Code:

1. Single-family residential attached and detached dwellings, lawfully existing on August 24, 1987 may be expanded for residential use if the expansion otherwise meet the requirements of the R2 district. Unlawful uses occupying such residences on August 24, 1987 are not deemed to be conforming.
2. Buildings or structures located within the one-hundred-foot maritime use setback, lawfully existing on August 24, 1987, which were designed and intended for seafood industrial, boat repair and maintenance or marine fabrication use, including principal buildings or structures, may be continued, repaired and altered, provided that such alterations do not increase the bulk of the building or structure through further encroachment on the maritime use setback area contiguous to the waterfront or through increased height, and the alteration is designed, intended and used for one or more of the enumerated maritime uses.

21.46.050 WME Waterfront Maritime Eastport district

A. Purpose

The WME Waterfront Maritime Eastport district is intended to provide a location for maritime and accessory uses in conjunction with single-family residences in areas where the existing lot configuration limits the effective functioning of maritime industrial operations.

B. Uses

Uses that may be permitted in the WME district are set forth in the table of uses for Waterfront Maritime Districts in Chapter 21.48.

C. Development standards

1. Chapter 21.50 contains the bulk regulations table for the WME district.

2. In cases where parking is provided within or beneath a structure, all exterior views of the structure shall resemble a working façade.

D. Additional standards

Reserved

E. Uses deemed conforming

The following uses are deemed conforming pursuant to Section 21.68.030 of this Zoning Code:

1. Multifamily dwellings in structures of five units or less lawfully existing on August 24, 1987 if duly licensed in accordance with city codes and with an occupancy permit.
2. Single-family residential attached and detached dwellings, lawfully existing on August 24, 1987, may be expanded for residential use if the expansion otherwise meets the requirements of the R2 district. Unlawful uses occupying such residences on August 24, 1987 are not deemed to be conforming.
3. Buildings or structures designed and intended for seafood industrial, in-water boat storage, on-land boat storage, boat repair and maintenance or marine fabrication uses existing as of August 24, 1987 are exempt from the requirement to provide a waterway yard. Expansion of such a building or structure is permitted only for uses allowed within the 100-foot maritime use setback[CG31].



Editorial Comments to Division III Chapters 38-46

Page: 2

[CG1] This section adapted from Chapters 21.10 and 21.28

Page: 2

[CG2] This section is a revision of former Section 21.06.170, revised to delete confusion as to whether telecommunication facilities were exempt from the Code.

Page: 3

[CG3] Added in response to frequent comments that these regulations are not currently cross referenced.

Page: 3

[CG4] Modified from existing provision 21.06.130, by deleting FAR provision that has not been used.

Page: 3

[CG5] This section is a redrafting of existing sections 21.10.050 and 21.10.060. These sections are repeated with almost identical wording in the business, conservation, and waterfront districts. The language of the two sections is difficult to follow. The redraft reflects how the Department of Planning interprets the sections. The one change in the redrafted regulation compared to current practice would be that the front yard for a new building could be less than what is required in the underlying zoning district if the established front yard is less. Testing indicates this would occur rarely, and subsection 5.c.iii. is available to mitigate against a front yard that would be out of character with the block face as a whole.

Page: 3

[CG6] Under the current code, for example, the EFY regulation does not apply in the I1 district.

Page: 6

[CG7] These provisions moved from 21.10.

Page: 6

[CG8] This language appears in most of the residential zoning districts e.g. 21.12.30.

Page: 6

[CG9] This language appears in most of the residential zoning districts e.g. 21.12.40

Page: 6

[CG10] Deleted reference in 21.10.040 to R3, R4 and R5 districts: provision applies to all attached units, including in C1.

Page: 7

[CG11] This section moved from 21.12.50.C. Also appears in R1A and R1B regulations. The last sentence only appears in the R1A but presumably is also applicable to the R1 and R1B.

Page: 7

[CG12] Moved from 21.10.070.

Page: 9

[CG13] New.

Page: 10

[CG14] Former RC (Eastport) overlay

Page: 11

[CG15] This section adapted from 21.69.030

Page: 13

[CG16] Former NC overlay.

Page: 14

[CG17] Former RC Overlay2, adopted November 26, 2001.

Page: 14

[CG18] This section adapted from 21.69A.030

Page: 15

[CG19] This district was created as a result of O-1-03 which applied the Residential Revitalization District (former 21.96 to the R3 and R4 districts in the Spa Road area.

Page: 16

[CG20] This section adapted from 21.69A.030

Page: 17

[CG21] Former RR district, adopted September 9, 1996.

Page: 17

[CG22] This section adapted from 21.69A.030

Page: 21

[CG23] From former 21.28.040

Page: 21

[CG24] From 21.28.050.

Page: 21

[CG25] Purpose statement reworded in keeping with prior code, but also incorporating language that was in the purpose statement for the B1A district (21.32.010). 7,000 sf limit moved to the bulk regulations table.

Page: 22

[CG26] Provision brought in from former BIA district.

Page: 22

[CG27] Purpose statement reworded to remove references to the B1 district, since the proposed code is not pyramidal.

Page: 23

[CG28] Moved from former 21.71.030

Page: 24

[CG29] Includes amendments from O-27-02 adopted December 9, 2002 designed to allow multi-family uses in the BCE district (former Johnson Lumber site on West Street).

Page: 25

[CG30] This section includes an amendment from O-27-02 adopted December 9, 2002, (Johnson Lumber site on West Street).

Page: 38

[CG31] Former 21.57.50.E.

Chapter 21.48 Use tables

This Page Intentionally Left Blank

Table of Uses - Residential Zoning Districts

P = Permitted Use; S = Special Exception Use; -Std = Use Subject to Standards (Chapter 21.64); A = Accessory Use; Blank = Not Permitted

A use, including a special exception use, that is not normally permissible as a permitted use or use subject to standards in a zoning district may be permitted in that district as a planned development use pursuant to Section 21.24.020

Uses	Districts													
	R1A	R1B	R1	R2	R2- Neighborhood Conservation	R3	R3- Neigh- borhood Conservation	R3- Neighborhood Conservation 2	R3- Revitalization	R4	R4- Revitalization	C1	C1A	
Accessory buildings and uses, including signs	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Antennas and amateur radio stations	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std
Apartment hotels										P-Std	P-Std			
Bed and breakfast homes					P-Std		P-Std	P-Std					P-Std	P-Std
Bed and breakfast home in a structure constructed or erected after December 14, 1998 on a vacant lot of record					S-Std									
Cemeteries	P	P	P	P	P									
Colleges, private	S	S	S	S	S	S	S	S	S	S	S	P		
Day care, family	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std		
Day care centers, group, in conjunction with public school facilities			A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std		
Day care centers, group, including day care centers accessory to a principal religious institution	S	S	S	S	S	S	S	S	S	S	S	S		
Driveways, walkways, parking or access for uses located in an adjacent nonresidential district	S	S	S	S	S	S	S	S	S	S	S			
Dwellings, multi-family						S	S	S	S	S	S	S-Std		
Dwellings, multi-family containing six or fewer dwelling units							P-Std							
Dwellings, single-family attached						S	S	S	S	S	S	S-Std		
Dwellings, single-family detached	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Dwellings, two-family						P	P	P	P	P	P	S-Std	S	
Garages and carports	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Golf courses			P											
<i>Governmental Uses</i>														
Public schools and colleges	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Other government and government-related structures, facilities and uses.	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Greenhouses and conservatories, private (noncommercial)	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Group homes												S		
Home occupations	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std
Hospitals and sanitariums	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Inns	S-Std	S-Std	S-Std	S-Std	S-Std	S-Std	S-Std	S-Std	S-Std	S-Std	S-Std	S-Std	S	

Table of Uses - Residential Zoning Districts

P = Permitted Use; S = Special Exception Use; -Std = Use Subject to Standards (Chapter 21.64); A = Accessory Use; Blank = Not Permitted

A use, including a special exception use, that is not normally permissible as a permitted use or use subject to standards in a zoning district may be permitted in that district as a planned development use pursuant to Section 21.24.020

Uses	Districts												
	R1A	R1B	R1	R2	R2- Neighborhood Conservation	R3	R3- Neigh borhood Conservation	R3- Neighborhood Conservation 2	R3- Revitalization	R4	R4- Revitalization	C1	C1A
Institutions for the care or treatment of alcoholics, drug addicts and the mentally ill	S	S	S	S	S	S	S	S	S	S	S		
Institutions for the care of the aged	S-Std	S-Std	S-Std	S-Std	S-Std	S-Std	S-Std	S-Std	S-Std	S-Std	S-Std	S-Std	
Mooring slip or dock, private	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A
Museums and art galleries, including historic buildings and shrines for patriotic, cultural and educational purposes	S	S	P	P	P	P	P	P	P	P	P	P	P
Office or studio of a professional person												S-Std	
Philanthropic and charitable institutions, civic nonprofit organizations, and social and fraternal organizations	S-Std	S-Std	S-Std	S-Std	S-Std	S-Std	S-Std	S-Std	S-Std	S-Std	S-Std	S-Std	
Planned developments, residential and special mixed	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std		
Recreational and social clubs, noncommercial	S	S	S	S	S	S	S	S	S	S	S		
Religious institutions, including churches, chapels, mosques, temples, and synagogues.	S	S	P	P	P	P	P	P	P	P	P	P	P
Rest homes and nursing homes	S	S	S	S	S	S	S	S	S	S	S	S	
Schools, private, elementary, middle, or high	S	S	S	S	S	S	S	S	S	S	S		
Schools, vocational	S	S	S	S	S	S	S	S	S	S	S		
Telecommunications facilities	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std
Temporary uses	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std
Tool houses, sheds and other similar buildings for the storage of domestic supplies and equipment	A	A	A	A	A	A	A	A	A	A	A	A	A

Table of Uses - Commercial and Industrial Zoning Districts

P = Permitted Use; S = Special Exception Use; -Std = Use Subject to Standards (Chapter 21.64); A = Accessory Use; Blank = Not Permitted

A use, including a special exception use, that is not normally permissible as a permitted use or use subject to standards in a zoning district may be permitted in that district as a planned development use pursuant to Section 21.24.020

Important. The notes at the end of the table are as much a part of the law as the table itself.

Uses	Districts									
	B1	B2	B3	B3-CD	BCE	BR	C2	C2A	PM2	I1
Accessory buildings and uses, including signs	A	A	A	A	A	A	A	A	A	A
Adult book stores			S-Std	S-Std	S-Std					
Amusement establishments, indoor.			P	P	P					
Animal hospitals, including veterinarian offices			S	S	P					
Antenna towers										P-Std, S-Std
Antennas and amateur radio stations	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std
Antique stores	P	P	P	P	P	P	P	P	P ¹	
Appliance stores including electrical and household appliances, and radio and television sales and repair		P	P	P	P	P	P	P	P ¹	
Arts and crafts stores	P	P	P	P	P	P	P	P	P ^{1,2}	
Arts or cultural centers					P					
Arts and crafts studios	P	P	P	P	P					
Auction rooms			P	P	P					
Bake shops	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std ¹	
Bakeries										P
Banks and financial institutions	S-Std	P	P	P	P	P	P	P	P ^{1,2}	
Bars and taverns		S	S	S	S		S			
Bicycle sales, rental and repair stores		P	P	P	P	P	P	P		
Boat showrooms			P	P	P					
Building materials sales and storage;			S	S	P					P
Cab stands including dispatch offices and related parking facilities					S					
Candy stores, where only candy prepackaged off the premises is sold	P	P	P	P	P	P	P			
Candy stores including candy making	S-Std	S-Std	S-Std	S-Std		P-Std			P-Std ¹	
Carpet and rug stores, retail sales only		P	P	P	P	P	P	P	P ¹	
Catering establishments, where no food, beverages and/or desserts are sold on the premises					P-Std					P-Std
Christmas tree and greens sales		P-Std	P-Std	P-Std	P-Std					P-Std
Clubs, lodges and meeting halls, with no on-premises food or beverage preparation facilities		P	P	P	P	P	P	P		
Clubs, lodges and meeting halls, with on-premises food or beverage preparation facilities		S-Std	S-Std	S-Std		P-Std				
Coffee shops	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	
Contractors', architects' and engineers' offices, shops and yards			S	S						P

Table of Uses - Commercial and Industrial Zoning Districts

P = Permitted Use; S = Special Exception Use; -Std = Use Subject to Standards (Chapter 21.64); A = Accessory Use; Blank = Not Permitted

A use, including a special exception use, that is not normally permissible as a permitted use or use subject to standards in a zoning district may be permitted in that district as a planned development use pursuant to Section 21.24.020

Important. The notes at the end of the table are as much a part of the law as the table itself.

Uses	Districts									
	B1	B2	B3	B3-CD	BCE	BR	C2	C2A	PM2	I1
Convenience stores	P-Std	P-Std	P-Std	P-Std	S-Std	P-Std			P-Std ¹	
Day care centers, group					P				P-Std	
Day care centers, group, in conjunction with a principal religious institution		S-Std								
Delicatessen	P-Std	P-Std	P-Std	P-Std	S-Std	P-Std	S-Std		P-Std ^{1,2}	
Department stores		P	P	P	P		P			
Drive-through facilities associated with permitted or special exception uses	S-Std	S	S	S	S	S		S	S	
Dry cleaning and laundry drop off and pick up stations	P	P	P	P	P		P	P		
Dry cleaning and laundry establishments		P	P	P	P				P ^{1,2}	P
Dwellings, multi-family					P-Std		S		S	
Dwellings, single-family attached							S		S	
Dwellings, single-family detached	P						S		P	
Dwellings, two-family							S		P	
Dwellings above the ground floor of nonresidential uses	P	P			P	P	P	P		
Dwellings for watchmen and their families, located on the premises where they are employed in that capacity;			P	P						P
Electronic and scientific precision instruments manufacturing										P
Exterminating shops										P
Food manufacture, packaging and processing										P
Food service mart	P-Std	P-Std	P-Std	P-Std	S-Std	P-Std	S-Std		P-Std ²	
Food stores	P	P	P	P	P		P		P-Std ¹	
Furniture stores		P	P	P	P		P	P	P ¹	
Garden supply, tool and seed stores	P-Std	P	P	P	P	P	P	P	P ¹	
<i>Governmental Uses</i>										
Offices	P	P	P	P	P	P	P	P	P	P
Other government and government-related structures, facilities and uses	S	S	S	S	S	S	S	S	S	S
Public schools and colleges	P	P	P	P	P	P	P	P	P	P
Greenhouses and nurseries			P	P	P					P
Group homes	S	S	S	S			S			
Home improvement stores		P			P				P ¹	
Hotels		S	S	S	S		S			
Ice cream stores	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std		P-Std ¹	
Inns		S	S	S	S		S			
Institutions for the care of the aged					P-Std					
Kennels			S	S						
Laboratories, including medical, dental, research and testing			P	P	P	P			P ¹	P
Launderettes, automatic, self-service	P	P	P	P	P	P	P	P	P ¹	
Light manufacturing										P

Table of Uses - Commercial and Industrial Zoning Districts

P = Permitted Use; S = Special Exception Use; -Std = Use Subject to Standards (Chapter 21.64); A = Accessory Use; Blank = Not Permitted

A use, including a special exception use, that is not normally permissible as a permitted use or use subject to standards in a zoning district may be permitted in that district as a planned development use pursuant to Section 21.24.020

Important. The notes at the end of the table are as much a part of the law as the table itself.

Uses	Districts									
	B1	B2	B3	B3-CD	BCE	BR	C2	C2A	PM2	I1
Liquor store		P	P	P	S		P	P		
Mailing service establishments				P						P
Markets, open air, including farmers' markets and produce markets					P-Std	P-Std	P-Std	P-Std		
Massage parlors			S	S						
Motels		S	S	S	S		S			
<i>Motor vehicle and automobile uses</i>										
Automobile parts and accessory stores					P		P	P		
Car wash		S	S	S	S					
Motor vehicle storage, repair and service facilities		S	P	P	P					P
Motor vehicle sales			P	P	P					
Motor vehicle rental					P					
Service stations, including fuel sales		S	S	S	S					
Museums and art galleries		P	P	P	P	P	P	P	P	
Nautical shops, retail trade					P	P	P	P	P ¹	
Office and business service establishments		P	P	P	P	P	P	P	P ^{1,2}	
Offices, business and professional, and nonprofit, educational, cultural, or civic	P-Std	P	P	P	P	P	P	P	P	
Offices, medical		P	P	P	P				P ^{1,2}	P
Parking lots, other than accessory	S	S	S	S	S		S			P
Parking garages							S			
Personal care establishments	P	P	P	P	P	P	P	P	P ^{1,2}	
Photocopying and reproduction services, including blueprinting						P				
Physical health facilities, including health clubs, gymnasiums, and weight control centers		P	P	P	P	P			P ^{1,2}	
Planned developments, business and special mixed	P-Std	P-Std	P-Std	P-Std	P-Std					P-Std
Printing and publishing establishments										P
Religious institutions, including churches, chapels, mosques, temples, and synagogues.		S	S	S	P	P			P	
Research and development businesses						S				
Restaurant, fast food		S-Std	S-Std	S-Std	S-Std					
Restaurant, standard	P-Std, S-Std	P-Std, S-Std	P-Std, S-Std	P-Std, S-Std	P-Std	P-Std	S-Std		P-Std ^{1,2}	
Retail goods stores		P	P	P	P	P	P	P	P-Std ¹	
Schools, private, elementary, middle, or high					P					
Schools, commercial, trade, vocational, music, dance, or art		P	P	P	P	P	P	P		P
Sidewalk cafes						P-Std				
Specialty convenience retail goods stores	P	P	P	P	P	P	P	P	P-Std ^{1,2}	
Storage other than accessory to permitted uses			S	S						

Table of Uses - Commercial and Industrial Zoning Districts

P = Permitted Use; S = Special Exception Use; -Std = Use Subject to Standards (Chapter 21.64); A = Accessory Use; Blank = Not Permitted

A use, including a special exception use, that is not normally permissible as a permitted use or use subject to standards in a zoning district may be permitted in that district as a planned development use pursuant to Section 21.24.020

Important. The notes at the end of the table are as much a part of the law as the table itself.

Uses	Districts									
	B1	B2	B3	B3-CD	BCE	BR	C2	C2A	PM2	I1
Supermarkets	P-Std	P-Std	P-Std	P-Std	P-Std				P ¹	
Telecommunications facilities	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std
Telephone transmission equipment buildings		P	P		P				P	P
Temporary uses	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std
Theaters, indoor		S	S	S	P		S	S		
Theaters, indoor, located in shopping centers		P-Std	P-Std	P-Std	P					
Tobacco shops		P	P	P	P	P	P	P	P ¹	
Undertaking establishments and funeral parlors		P	P	P	P					
Veterinarian offices					P					
Warehousing, storage and distribution facilities, including moving and storage establishments			S	S	P					P

Notes:

Uses in the PM2 district are subject to the following provisions as indicated in the table:

- ¹ This use is permitted as a principal use only in districts that do not adjoin (along non-street frontage) property zoned R1, R1A, R1B or R2.
- ² This use is permitted as an incidental use in a structure that contains business, professional or governmental offices provided that gross floor area of all incidental uses does not exceed the amount of space devoted to the first floor of a multistory structure; except, that in no case shall it exceed 33 percent of the total gross floor area.

Table of Uses – Office and Mixed Use Zoning Districts

P = Permitted Use; S = Special Exception Use; -Std = Use Subject to Standards (Chapter 21.64); A = Accessory Use; Blank = Not Permitted
 A use, including a special exception use, that is not normally permissible as a permitted use or use subject to standards in a zoning district may be permitted in that district as a planned development use pursuant to Section 21.24.020

Important. The notes at the end of the table are as much a part of the law as the table itself.

Uses	Districts			
	P	MX	PM	C2P
Accessory structures and uses	A	A	A	A
Antennas and amateur radio stations	A-Std	A-Std	A-Std	A-Std
Antique stores		P	P-Std	
Appliance stores including electrical and household appliances, and radio and television sales and repair		P		
Arts and crafts studios		P	P-Std	
Arts and crafts stores		P	P-Std	
Banks and financial institutions		P		
Bake shops		P-Std		
Cab stands including dispatch offices and related parking facilities		S		
Candy stores, where only candy prepackaged off the premises is sold		P		
Candy stores including candy making		P-Std		
Carpet and rug stores, retail sales only		P		
Catering establishments		P-Std		
Clubs, lodges and meeting halls, with no on-premises food or beverage preparation facilities	S	P	S	S
Clubs, lodges and meeting halls, with on-premises food or beverage preparation facilities		P-Std		
Coffee shops		P-Std		
Conference facilities		S		
Convenience stores		P-Std		
Day care centers, group	S		S	S
Delicatessens		P-Std	P-Std	
Department stores		P		
Dry cleaning and laundry drop off and pick up stations			P	
Dry cleaning and laundry establishments		P		
Dwellings, multi-family	S	P-Std	S	S
Dwellings, multi-family, containing 12 or fewer units			P-Std	
Dwellings, single-family attached	P	P-Std	P	
Dwellings, single-family detached	P		P	P
Dwellings, two-family	P		P	P
Dwellings above the ground floor of nonresidential uses		P		
Food service marts		P-Std	P-Std	
Furniture stores		P		
Garden supply, tool and seed stores		P		
<i>Governmental Uses</i>				
Offices	P	P	P	P
Other government and government-related structures, facilities and uses	S	S	S	S
Public schools and colleges	P		P	
Group homes	S		S	S

Table of Uses – Office and Mixed Use Zoning Districts

P = Permitted Use; S = Special Exception Use; -Std = Use Subject to Standards (Chapter 21.64); A = Accessory Use; Blank = Not Permitted
 A use, including a special exception use, that is not normally permissible as a permitted use or use subject to standards in a zoning district may be permitted in that district as a planned development use pursuant to Section 21.24.020

Important. The notes at the end of the table are as much a part of the law as the table itself.

Uses	Districts			
	P	MX	PM	C2P
Hotels with up to forty rooms, including restaurants and conference room facilities.		P-Std		
Hotels with more than forty rooms		S		
Ice cream stores		P-Std		
Inns	S			S
Institutions for the care of the aged	S			S
Laboratories, including medical, dental, research and testing		P		
Launderettes, automatic, self service		P		
Liquor stores		S		
Markets, open air, including farmers' markets and produce markets		P-Std		
Medical appliance stores			P-Std	
Motor vehicle service stations, including fuel sales		S		
Museums and art galleries	P	P	P	
Nautical shops, retail trade		P		
Office and business service establishments		P		
Offices, business and professional, and nonprofit, educational, cultural, or civic	P-Std or S-Std, depending on lot size	P	P-Std	P
Offices, medical	P	P	P	P
Parking garages	S	P-Std, S-Std	S	
Parking lots, other than accessory	S	P-Std	P-Std	
Personal care establishments	S	P	P-Std	
Photocopying and reproduction services, including blueprinting		P		
Physical health facilities, including health clubs, gymnasiums, and weight control centers		P		
Planned developments, business and special mixed	P-Std	P-Std		
Religious institutions, including churches, chapels, mosques, temples and synagogues	P	P	P	
Research and development businesses, provided that there is no significant assemblage of goods or products		P		
Rest homes and nursing homes	S			S
Restaurant, fast food		S-Std		
Restaurant, standard		P-Std, S-Std	P-Std, S-Std	
Retail goods stores		P		
Schools, commercial, trade, vocational, music, dance, or art		P		
Schools, private, elementary, middle, or high	P			
Sidewalk cafes		P-Std		
Specialty convenience retail store		P	P-Std	

Table of Uses – Office and Mixed Use Zoning Districts

P = Permitted Use; S = Special Exception Use; -Std = Use Subject to Standards (Chapter 21.64); A = Accessory Use; Blank = Not Permitted
 A use, including a special exception use, that is not normally permissible as a permitted use or use subject to standards in a zoning district may be permitted in that district as a planned development use pursuant to Section 21.24.020

Important. The notes at the end of the table are as much a part of the law as the table itself.

Uses	Districts			
	P	MX	PM	C2P
Supermarkets		P-Std		
Telecommunications facilities	A-Std	A-Std	A-Std	A-Std
Telephone transmission equipment buildings[CG1]		P		
Temporary uses	P-Std	P-Std	P-Std	P-Std
Theaters, indoor		P-Std		
Tobacco shops		P		
Undertaking establishments and funeral parlors	S			

Notes:

The following regulations apply to all uses in the MX District:

1. Buildings in excess of forty-six feet, but less than fifty-five feet in height are subject to the following:
 - a. Either 25 percent of the gross floor area shall be designed for retail uses, or residential uses, or a combination of retail and residential uses, alternatively, the entire ground level front facade shall be designed for retail uses, exclusive of: (i) not more than one driveway, which shall not be greater than thirty-three feet wide, required for access to parking; (ii) space required for a lobby and space required for access to upper floor uses. Retail use along the front facade shall have a minimum height of twelve feet and a minimum depth of twenty-five feet;
 - b. If surface parking is located on the zoning lot, it shall be located at the rear of the zoning lot and new structures shall be located at the front of the zoning lot. If surface parking is located adjacent to single-family residential use, dense plantings shall be installed and maintained on the zoning lot to provide an effective screen; and
 - c. Any adverse impacts on critical lane levels of service at adjoining intersections shall be mitigated by the applicant.
2. Buildings in excess of 46 feet, but less than 65 feet in height require special exception approval.
3. Uses and combinations of uses located on zoning lots of 40,000 square feet or more require special exception approval.



Page: 50

[CG1]New use category. Verizon has a building containing these facilities on West Street in the MX district. Unclear how the use would be categorized under the current regulations. New definition added in Division VI.

Table of Uses – Waterfront Maritime Zoning Districts

P = Permitted Use; S = Special Exception Use; -Std = Use Subject to Standards (Chapter 21.64); A = Accessory Use; Blank = Not Permitted Important. The notes at the end of the table are as much a part of the law as the table itself.

Uses		Districts			
		WMC	WMM ³	WMI ³	WME
A. Maritime uses					
1. In-water boat storage:	a. Docks, slips, piers and other facilities at which boats are berthed, only in conjunction with other maritime uses	P	P		
	b. Docks, slips, piers and other facilities at which boats are berthed, in conjunction with other maritime uses		P	P	P
	c. Yacht and sailing clubs, and member services				
	d. Sailing schools	P	P	P	P
2. On-land boat storage:	a. Open areas, paved or unpaved, and structures providing for on-land boat and marine equipment storage and display	P		P-Std	
	b. Open areas, paved or unpaved, and structures existing as of August 24, 1987 providing for on-land boat and marine equipment storage and display		P		P
3. Boat repair and maintenance:	a. Vessel repair and maintenance	P	P	P	P
	b. Maritime engineer/mechanical repair	P	P	P	P
	c. Boat, yacht and watercraft haul-out facilities and maintenance operations	P	P	P	P
	d. Fuel storage and refueling facilities for marine craft	P	P	P	P
	e. Accessory on-land material storage	P	P	P	P
4. Marine fabrication:	a. Sail and canvas accessory manufacture	P	P	P	P
	b. Spar and rigging construction	P	P	P	P
	c. Maritime carpentry	P	P	P	P
	d. Construction and laying up of marine molds	P	P	P	P
	e. Metal casting for marine use	P	P	P	P
	f. Marine industrial welding and fabrication	P	P	P	P
	g. Boat manufacture	P	P	P	P
5. Maritime services: functions necessary to serve in-water and on-land boat storage and working boatyards, including, but not limited to:	a. Boat dealers, brokers and manufacturers' representatives	P	P	P	P
	b. Boat rentals, charters, and charters services	P	P	P	P
	c. Marine parts, supplies, accessory distributors	P	P	P	P
	d. Marine transportation and water taxis	P	P	P	P
	e. Marine documentation	P	P	P	P
	f. Boat show management and promotion	P	P	P	P
	g. Nautical component servicing	P	P	P	P
	h. Yacht designers	P	P	P	P
	i. Marine surveyors	P	P	P	P
6. Maritime retail: display, sale and storage of marine parts, supplies, accessories, and provision of other goods including, but not limited to:	a. Marine hardware	P	P	P ¹	P ^{1,2}
	b. Fishing tackle	P	P	P ¹	P ^{1,2}
	c. Marine chandleries	P	P	P ¹	P ^{1,2}
	d. Yacht furniture	P	P	P ¹	P ^{1,2}
	e. Marine maps, magazines, catalogues and other publications				P ^{1,2}
	f. Maritime retail			A-Std	A-Std
7. General maritime: general office and research functions contributing to maritime activities	a. Marine salvage, testing, research and environmental services	P	P		
	b. Marine salvage, testing, and environmental services				P ^{1,2}
	c. Maritime associations	P	P		P ^{1,2}

Table of Uses – Waterfront Maritime Zoning Districts

P = Permitted Use; S = Special Exception Use; -Std = Use Subject to Standards (Chapter 21.64); A = Accessory Use; Blank = Not Permitted Important. The notes at the end of the table are as much a part of the law as the table itself.

Uses		Districts			
		WMC	WMM ³	WMI ³	WME
including, but not limited to:	d. Oceanographic laboratories and experimental facilities	P	P		P ^{1,2}
	e. Facilities for marine pollution control, oil spill cleanup, and servicing of marine sanitation devices	P	P		P ^{1,2}
	f. Tugboat, vessel towing services, fireboat, pilotboat, harbormaster and similar services	P	P		P ^{1,2}
	g. Specialized professional services to the maritime industry	P	P		P ^{1,2}
	h. Marine transport operations, including shipping offices	P	P		P ^{1,2}
	i. Marine photography, printmaking and chart-making	P	P		P ^{1,2}
	j. Yacht and sailing club offices	P	P		P ^{1,2}
	k. Yacht finance	P	P		P ^{1,2}
	l. Maritime service organizations		P		P ¹
	m. Boat show management				P ²
8. Maritime institutions:	a. Marine educational facilities	P			P ²
	b. Marine museums and aquariums	P			P ²
	c. Maritime service organizations	P	P		
9. Seafood industrial:	Landing, distribution, processing, brokerage, wholesale and retail sales of fish and shellfish		P	P	P
B. Other uses:					
Accessory uses		A	A		
Antenna towers				P-Std, S-Std	
Antennas and amateur radio stations		A-Std	A-Std	A-Std	A-Std
Delicatessen				A-Std	A-Std
<i>Governmental uses:</i>					
Parks and recreation facilities		P		P	P
Parking structures as accessory to permitted maritime uses on a separate zoning lot			S-Std		
Restaurant, standard		S-Std	S-Std		S-Std
Retail sales of non maritime-related goods		S-Std	S-Std		
Telecommunications facilities		A-Std	A-Std	A-Std	A-Std
Temporary uses		P-Std	P-Std	P-Std	P-Std
Transient boater services, such as laundry, pool, recreation facilities and sales of convenience items				A-Std	

¹ This use is permitted only on lots without waterfront frontage as of August 24, 1987.

² This use is permitted in buildings located within one hundred feet of the shoreline, provided that the use does not exceed 25 percent of the gross floor area of the lot.

³ In the WMM and WMI districts non water-dependent buildings, structures, or parking are permitted within the 100-foot maritime use setback only if they meet certain bulk requirements. See Division III Chapter 21.46.

Chapter 21.50 Chapter Bulk Regulations Tables

Bulk Regulations Table R1 District

Important. The notes at the end of the table are as much a part of the law as the table itself.

Permitted uses, special exception uses, and uses subject to specific standards	Lot Dimensions (minimum)		Yards (minimum)				Height, Coverage, Floor Area Ratio (maximum)			Open Space (minimum, percent)
	Area (sq. ft. or acres) ⁴	Width (ft)	Front (ft) ⁵	Interi or Side (ft) ⁶	Corner Side (ft) ⁶	Rear (ft)	Height (stories and feet) ⁸	Maximum Lot Coverage (percent)	Floor Area Ratio	
Cemeteries	5 acres	200								
Day care centers, group	7,000	60	25	8	20	30	2.5 stories not to exceed 35 feet			
Dwellings, single-family detached	7,000	60	25	8	20	30	2.5 stories not to exceed 35 feet			
Educational institutions	5 acres	200	50 feet from all property lines						0.4	
Governmental uses										
Health and medical institutions	40,000	150	50 ¹	20 ²	35 ²	75			0.5	
Inns	2 acres		i. Minimum setback from any street: 50 ft ii. Minimum setback from adjacent single-family development: 75 feet iii. All other yards: 30 feet				2.5 stories not to exceed 35 feet	10		50
Institutions for the care or treatment of alcoholics, drug addicts and the mentally ill	5 acres	200							0.25	
Museums and art galleries	2 acres	150	50 ¹	20 ²	35 ²	75			0.4	
Philanthropic and charitable institutions	40,000	120	50 ¹	12 ²	35 ²	50			0.4	
Planned developments	Bulk regulations shall be determined through the planned development process, pursuant to Chapter 21.24.									
Recreational and social clubs	40,000	120							0.4	
Religious institutions	40,000	120	50 ¹	12 ²	35 ²	50				
Accessory Uses										
Buildings accessory to single-family dwellings, other than as specified elsewhere in this table			30	8 ³	20	5				
Clubhouses and other structures on the grounds of private clubs, golf courses, polo and tennis clubs			Minimum of 150 feet from the nearest residential property line, 25 feet from all other property lines							
Mausoleums, crematories and columbariums in cemeteries			Minimum of 150 feet from the nearest residential property line, 25 feet from all other property lines							
Mooring slip			No requirement							

Bulk Regulations Table R1 District

Important. The notes at the end of the table are as much a part of the law as the table itself.

Notes

¹ Plus one foot for each three feet by which the building width exceeds 40 feet.

² Plus one foot for each two feet by which the building height exceeds 15 feet.

³ Unless the entire structure is located on the rear 25 percent of the lot, in which case only five feet is required. See illustration at Section 21.60.100.

⁴ Where the front, side or rear lot line of a residential lot adjoins an accessible and usable common or public open space which is at least five acres in area and of a depth perpendicular to the lot line of not less than 200 feet, the required area may be reduced by 20 percent.

⁵ The front yard for principal uses shall be the minimum specified in the table or the established front yard pursuant to Chapter 21.38.[CG1]

⁶ Each side yard shall meet the minimum requirement set forth in the table, and the total of both side yards must equal at least 20 percent of the lot width. [CG2]

⁷ As specified by the decision-making body or official through the zoning decision-making process set forth in Division II, Administration.

⁸ i. Except as provided in subsection ii. of this note, no building shall exceed the lesser of either the maximum height in the bulk regulations table or the average height of all structures on the block face.

ii. New construction behind the ridgeline (i.e., roofline) of an existing structure, or if no structure is extant, behind the average front setback of ridgelines on the block face, may maintain the height limitation in the bulk regulations table[CG3].

⁹ i. Within five feet of any property line except rear property lines adjacent to an alley: maximum cornice height of eight feet and maximum ridge height of 16 feet.

ii. The cornice and ridge heights of an accessory structure may increase one foot for each one foot of additional setback beyond two feet up to a maximum height of two stories and/or a cornice height of 16 feet and a ridge height of compatible design[CG4].



Page: 55

[CG1] See lengthy comment on established front yard in Division III.

Page: 55

[CG2] This is a new provision designed to protect community character by requiring larger lots to provide proportionately larger side yards. The provision has proven effective in Eastport and would apply in the R1, R2 and R3 districts.

Page: 55

[CG3] These are new provisions designed to protect community character by requiring new construction to be of similar height to existing buildings. The provision has proven effective in Eastport and would apply in the R1, R2 and R3 districts.

Page: 55

[CG4] These are also new provisions designed to protect community character by limiting the maximum height of accessory structures. The provisions have proven effective in Eastport and also apply to other uses such as inns. The provisions would apply in the R1, R2 and R3 districts.

Bulk Regulations Table R1-A District

Important. The notes at the end of the table are as much a part of the law as the table itself.

Permitted uses, special exception uses, and uses subject to specific standards	Lot Dimensions (Minimum)		Yards (Minimum)				Height, Coverage, Floor Area Ratio (maximum)			Open Space (minimum, (percent))
	Area (sq. ft. or acres) ⁵	Width (ft)	Front (ft)	Interior Side (ft)	Corner Side (ft)	Rear (ft)	Height, (stories and feet)	Lot Coverage, (percent)	Floor Area Ratio	
Cemeteries	5 acres	200								
Day care centers, group	21,780	100	40	12	25	40	2.5 stories not to exceed 35 feet	30		
Dwellings, single-family detached	21,780	100	40	12	25	40		30		
Educational institutions	5 acres	200	50 feet from all property lines					60	0.25	
Governmental uses	6									
Health and medical institutions	2 acres	150	50 ¹	20 ³	35 ³	75			0.5	
Inns	2 acres		i. Minimum setback from any street: 50 feet ii. Minimum setback from adjacent single-family development: 75 feet iii. All other yards: 30 feet				2.5 stories not to exceed 35 feet	10		50
Institutions for the care or treatment of alcoholics, drug addicts and the mentally ill	5 acres	200	6					6	0.25	
Museums and art galleries	2 acres	150	50 ¹	20 ³	35 ³	75		60	0.4	
Philanthropic and charitable institutions	40,000	120	50 ¹	12 ³	35 ³	50		60	0.4	
Planned developments	Bulk regulations shall be determined through the planned development process, pursuant to Chapter 21.24.									
Recreational and social clubs	40,000	120	6					6		
Religious institutions	40,000	120	50 ¹	12 ³	35 ³	50		60	0.4	
Accessory Uses										
Buildings accessory to single-family dwellings, other than as specified elsewhere in this table			45	12 ⁴	25	5				
Clubhouses and other structures on the grounds of private clubs, golf courses, polo and tennis clubs			Minimum of 150 feet from the nearest residential property line, 25 feet from all other property lines							
Mausoleums, crematories and columbariums in cemeteries			Minimum of 150 feet from the nearest residential property line, 25 feet from all other property lines							
Mooring slip			No requirement							

Bulk Regulations Table R1-A District

Important. The notes at the end of the table are as much a part of the law as the table itself.

Table Notes

¹ Plus one foot for each three feet by which the building width exceeds 40 feet.

³ Plus one foot for each two feet by which the building height exceeds 15 feet.

⁴ Unless the entire structure is located on the rear 25 percent of the lot, in which case only five feet is required. See illustration at Section 21.60.100.

⁵ Where the front, side or rear lot line of a residential lot adjoins an accessible and usable common or public open space which is at least five acres in area and of a depth perpendicular to the lot line of not less than 200 feet, the required area may be reduced by twenty percent.

⁶ As specified by the decision-making body or official through the zoning decision-making process set forth in Division II, Administration.

Bulk Regulations Table R1-B District

Important. The notes at the end of the table are as much a part of the law as the table itself.

Permitted uses, special exception uses, and uses subject to specific standards	Lot Dimensions (minimum)		Yards (minimum)				Height, Coverage, Floor Area Ratio (maximum)			Open Space (minimum, percent)	
	Area, (sq. ft. or acres) ⁵	Width, (ft)	Front (ft)	Interior Side (ft)	Corner Side (ft)	Rear (ft)	Height, (stories and feet)	Lot Coverage, (percent)	Floor Area Ratio		
Cemeteries	5 acres	200									
Day care centers, group	12,500	80	30	10	15	40	2.5 stories not to exceed 35 feet	30			
Dwellings, single-family detached	12,500	80 ¹	30	10	15	40	2.5 stories not to exceed 35 feet	30			
Educational institutions	5 acres	200	50 feet from all property lines					60	0.25		
Governmental uses			6								
Health and medical institutions	2 acres	150	50 ²	20 ³	35 ³	75			0.5		
Inns	2 acres		i. Minimum setback from any street: 50 feet ii. Minimum setback from adjacent single-family development: 75 feet iii. All other yards: 30 feet					2.5 stories not to exceed 35 feet	10		50
Institutions for the care or treatment of alcoholics, drug addicts and the mentally ill	5 acres	200	6						6	0.25	
Museums and art galleries	2 acres	150	50 ²	20 ³	35 ³	75		60	0.4		
Philanthropic and charitable institutions	40,000	120	50 ²	20 ³	35 ³	50		60	0.4		
Planned developments	Bulk regulations shall be determined through the planned development process, pursuant to Chapter 21.24.										
Recreational and social clubs	40,000	120	6						6		
Religious institutions	40,000	120	50 ¹	12 ²	35 ²	50		60	0.4		
Accessory Uses											
Buildings accessory to single-family dwellings, other than as specified elsewhere in this table			30	10 ⁴	15	10					
Clubhouses and other structures on the grounds of private clubs, golf courses, polo and tennis clubs			Minimum of 150 feet from the nearest residential property line, 25 feet from all others.								
Mausoleums, crematories and columbariums in cemeteries			Minimum of 150 feet from the nearest residential property line, 25 feet from all others.								
Off-street parking spaces for single-family detached dwellings			10	10	5	5					
Mooring slip			No requirement								

Bulk Regulations Table R1-B District

Important. The notes at the end of the table are as much a part of the law as the table itself.

Table Notes

¹ In addition, for waterfront lots, 40 feet at mean high water line.

² Plus one foot for each three feet by which the building width exceeds 40 feet.

³ Plus one foot for each two feet by which the building height exceeds 15 feet.

⁴ Unless the entire structure is located on the rear 25 percent of the lot, in which case only five feet is required. See illustration at Section 21.60.100.

⁵ Where the front, side or rear lot line of a residential lot adjoins an accessible and usable common or public open space which is at least five acres in area and of a depth perpendicular to the lot line of not less than two hundred feet, the required area may be reduced by twenty percent.

⁶ As specified by the decision-making body or official through the zoning decision-making process set forth in Division II, Administration.

Bulk Regulations Table R2 District

Important. The notes at the end of the table are as much a part of the law as the table itself.

Permitted uses, special exception uses, and uses subject to specific standards	Lot Dimensions (minimum)		Yards (minimum)				Height, Coverage, Floor Area Ratio (maximum)			Open Space (minimum, percent)
	Area, (sq. ft. or acres) ¹	Width, (ft)	Front (ft) ⁶	Interior Side (ft) ⁷	Corner Side (ft) ⁷	Rear (ft)	Height, (stories and feet) ⁸	Lot Coverage, (percent)	Floor Area Ratio	
Cemeteries	5 acres	200								
Day care centers, group	5,400	50	25	6	15	30	2.5 stories not to exceed 35 feet			
Dwellings, single-family detached	5,400	50	25	6	15	30	2.5 stories not to exceed 35 feet			
Educational institutions	5 acres	200	50 feet from all property lines						0.4	
Governmental uses			5							
Health and medical institutions	40,000	120	50 ²	15 ³	35 ³	50			0.4	
Inns	2 acres		i. Minimum setback from any street: 50 feet ii. Minimum setback from adjacent single-family development: 75 feet iii. All other yards: 30 feet				2.5 stories not to exceed 35 feet	10		50
Institutions for the care or treatment of alcoholics, drug addicts and the mentally ill	5 acres	200	5						0.25	
Museums and art galleries	40,000	120	50 ²	15 ³	35 ³	50			0.4	
Philanthropic and charitable institutions	20,000	100	35 ²	10 ³	25 ³	50			0.4	
Planned developments	Bulk regulations shall be determined through the planned development process, pursuant to Chapter 21.24.									
Recreational and social clubs	20,000	100	5						0.4	
Religious institutions	20,000	100	35 ²	10 ³	35 ³	40			0.4	
Accessory Uses										
Buildings accessory to single-family dwellings, other than as specified elsewhere in this table			30	6 ⁴	15	2	9			
Clubhouses and other structures on the grounds of private clubs, golf courses, polo and tennis clubs			Minimum of 150 feet from the nearest residential property line, 25 feet from all others.							
Mausoleums, crematories and columbariums in cemeteries			Minimum of 150 feet from the nearest residential property line, 25 feet from all others.							
Mooring slip			No requirement							

Bulk Regulations Table R2 District

Important. The notes at the end of the table are as much a part of the law as the table itself.

Table Notes

¹ Where the front, side or rear lot line of a residential lot adjoins an accessible and usable common or public open space which is at least five acres in area and of a depth perpendicular to the lot line of not less than 200 feet, the required area may be reduced by 20 percent.

² Plus one foot for each three feet by which the building width exceeds 40 feet.

³ Plus one foot for each two feet by which the building height exceeds 15 feet.

⁴ Unless the entire structure is located on the rear 25 percent of the lot, in which case only two feet is required. See illustration at Section 21.60.100.

⁵ As specified by the decision-making body or official through the zoning decision-making process set forth in Division II, Administration.

⁶ The front yard for principal uses shall be the minimum specified in the table or the established front yard pursuant to Chapter 21.38.

⁷ Each side yard shall meet the minimum requirement set forth in the table, and the total of both side yards must equal at least 20 percent of the lot width.

⁸ i. Except as provided in subsection ii. of this note, no building shall exceed the lesser of either the maximum height in the bulk regulations table or the average height of all structures on the block face.

ii. New construction behind the ridgeline (i.e., roofline) of an existing structure, or if no structure is extant, behind the average front setback of ridgelines on the block face, may maintain the height limitation in the bulk regulations table.

⁹ i. Within five feet of any property line except rear property lines adjacent to an alley: maximum cornice height of eight feet and maximum ridge height of 16 feet.

ii. The cornice and ridge heights of an accessory structure may increase one foot for each one foot of additional setback beyond two feet up to a maximum height of two stories and/or a cornice height of 16 feet and a ridge height of compatible design.

Bulk Regulations Table R2-Neighborhood Conservation District
Important. The notes at the end of the table are as much a part of the law as the table itself.

Permitted uses, special exception uses, and uses subject to specific standards	Lot Dimensions (minimum)		Yards (minimum)				Height, Coverage, Floor Area Ratio (maximum)			Open Space (minimum, percent)
	Area, (sq. ft. or acres) ¹	Width, (ft)	Front (ft) ⁶	Interior Side (ft) ^{7,8}	Corner Side (ft) ^{7,8}	Rear (ft)	Height, (stories and feet) ⁹	Lot Coverage, (percent)	Floor Area Ratio	
Bed and breakfast homes	5,400	50	25	6	15	30	2.5 stories not to exceed 35 feet			
Cemeteries	5 acres	200								
Day care centers, group	5,400	50	25	6	15	30	2.5 stories not to exceed 35 feet			
Dwellings, single-family detached	5,400	50	25	6	15	30	2.5 stories not to exceed 35 feet			
Educational institutions	5 acres	200	50 feet from all property lines						0.4	
Governmental uses	⁵									
Health and medical institutions	40,000	120	50 ²	15 ³	35 ³	50			0.4	
Inns	2 acres		i. Minimum setback from any street: 50 feet ii. Minimum setback from adjacent single-family development: 75 feet iii. All other yards: 30 feet				2.5 stories not to exceed 35 feet	10		50
Institutions for the care or treatment of alcoholics, drug addicts and the mentally ill.	5 acres	200	⁵						0.25	
Museums and art galleries	40,000	120	50 ²	15 ³	35 ³	50			0.4	
Philanthropic and charitable institutions	20,000	100	35 ²	10 ³	25 ³	50			0.4	
Planned developments	Bulk regulations shall be determined through the planned development process, pursuant to Chapter 21.24.									
Recreational and social clubs	20,000	100	⁵						0.4	
Religious institutions	20,000	100	35 ²	10 ³	35 ³	40			0.4	
Accessory Uses										
Buildings accessory to single-family dwellings, other than specified elsewhere in this table			30	6 ⁴	15	2	¹⁰			
Clubhouses and other structures on the grounds of private clubs, golf courses, polo and tennis clubs			Minimum of 150 feet from the nearest residential property line, 25 feet from all others.							
Mausoleums, crematories and columbariums in cemeteries			Minimum of 150 feet from the nearest residential property line, 25 feet from all others.							

Bulk Regulations Table R2-Neighborhood Conservation District
Important. The notes at the end of the table are as much a part of the law as the table itself.

Permitted uses, special exception uses, and uses subject to specific standards	Lot Dimensions (minimum)		Yards (minimum)				Height, Coverage, Floor Area Ratio (maximum)			Open Space (minimum, percent)
	Area, (sq. ft. or acres) ¹	Width, (ft)	Front (ft) ⁶	Interior Side (ft) ^{7,8}	Corner Side (ft) ^{7,8}	Rear (ft)	Height, (stories and feet) ⁹	Lot Coverage, (percent)	Floor Area Ratio	
Mooring slip			No requirement							

Table Notes

- ¹ Where the front, side or rear lot line of a residential lot adjoins an accessible and usable common or public open space which is at least five acres in area and of a depth perpendicular to the lot line of not less than 200 feet, the required area may be reduced by 20 percent.
- ² Plus one foot for each three feet by which the building width exceeds 40 feet.
- ³ Plus one foot for each two feet by which the building height exceeds 15 feet.
- ⁴ Unless the entire structure is located on the rear 25 percent of the lot, in which case only two feet is required. See illustration at Section 21.60.100.
- ⁵ As specified by the decision-making body or official through the zoning decision-making process set forth in Division II, Administration.
- ⁶ i. The front yard for principal uses shall be the lesser of the minimum specified in the table or the established front yard pursuant to Chapter 21.38.
ii. Building additions may maintain the front yard of the existing structure.
iii. If a structure is demolished for the purposes of new construction, the new structure must maintain either the front yard of the previously demolished structure or the front yard as required under subsection i) of this note.
- ⁷ i) All lots: each side yard shall meet the minimum requirement set forth in the table.
ii) Lots 50 feet or greater in width: the total of both side yards must equal at least 20 percent of the lot width.
- ⁸ Rearward building additions may maintain the side yard of the existing structure, except that if such addition will impair an adequate supply of light and air to adjacent property or will impede the exterior maintenance of adjacent property, the minimum side yard set forth in the table shall be provided.
- ⁹ i. Except as provided in subsections ii. and iii. of this note, no building shall exceed the lesser of either the maximum height in the bulk regulations table or the average height of all structures on the block face.
ii. New construction behind the ridgeline (i.e., roofline) of an existing structure, or if no structure is extant, behind the average front setback of ridgelines on the block face, may maintain the height limitation in the bulk regulations table.
iii. The Director of Planning and Zoning may grant a 10 percent adjustment to the average height of all structures on the block face in subsection i. of this note, pursuant to the procedures set forth in Chapter 21.18 of this Zoning Code. This adjustment shall not be construed to permit buildings greater in height than the maximum height allowed in the district.
- ¹⁰ i. Within two feet of any property line except rear property lines adjacent to an alley: maximum cornice height of eight feet and maximum ridge height of 16 feet. The cornice height may be increased to 10 feet and the ridge height to 20 feet upon findings by the Planning and Zoning Director that a) physical constraints exist or that the allowance is necessary in order to achieve compatible design, and b) the purpose of this Zoning Code will not be jeopardized.
ii. The cornice and ridge heights of an accessory structure may increase one foot for each one foot of additional setback beyond two feet up to a maximum height of two stories and/or a cornice height of 16 feet and a ridge height of compatible design.

Bulk Regulations Table R3 District

Important. The notes at the end of the table are as much a part of the law as the table itself.

Permitted uses, special exception uses, and uses subject to specific standards	Density (maximum, expressed as minimum sq. ft. of lot area per dwelling unit)	Lot Dimensions (minimum)		Yards (minimum)				Height, Coverage, Floor Area Ratio (maximum)			Open Space (minimum, percent)
		Area (sq. ft. or acres) ¹	Width (ft)	Front (ft) ⁹	Interior Side (ft) ^{10, 15}	Corner Side (ft) ^{10, 15}	Rear (ft)	Height, (stories and feet) ¹¹	Lot Coverage, (percent)	Floor Area Ratio	
Day care centers, group		5,400	50	25	6	15	30			0.75	
Dwellings, multifamily	3,600 ²		50	20 ³	5 ⁴	15 ⁵	30	3.5 stories not to exceed 35 feet		1.2 ⁸	
Dwellings, single-family attached	3,600 ²		16	20 ³		15 ⁵	30	3.5 stories not to exceed 35 feet		1.2 ⁸	
Dwellings, single-family detached		5,400	50	25	5	15	30	2.5 stories not to exceed 35 feet		1.0 ⁸	
Dwellings, two-family		7,200 ¹⁴	50 ¹⁴	25	5	15	30	2.5 stories not to exceed 35 feet		1.0 ⁸	
Educational institutions		5 acres	200	50 feet from all property lines						0.75	
Governmental uses				¹³							
Health and medical institutions		40,000	120	50 ³	15 ⁶	35 ⁶	50			1.2	
Inns		2 acres		i. Minimum setback from any street: 50 feet ii. Minimum setback from adjacent single-family development: 75 feet iii. All other yards: 30 feet				2.5 stories not to exceed 35 feet	10		50
Institutions for the care or treatment of alcoholics, drug addicts and the mentally ill		5 acres	200	¹³							
Museums and art galleries		40,000	120	50 ³	15 ⁶	35 ⁶	50			1.0	
Philanthropic and charitable institutions		20,000	100	35 ³	10 ⁶	25 ⁶	50			1.0	
Planned developments		Bulk regulations shall be determined through the planned development process, pursuant to Chapter 21. 24.									
Recreational and social clubs		20,000	100	¹³							
Religious institutions		20,000	100	50 ³	15 ⁶	35 ⁶	50		60	1.0	
Accessory Uses											
Buildings accessory to single-family dwellings, other than as specified elsewhere in this table				20	5 ⁷	15	2	¹²			

Bulk Regulations Table R3 District

Important. The notes at the end of the table are as much a part of the law as the table itself.

Permitted uses, special exception uses, and uses subject to specific standards	Density (maximum, expressed as minimum sq. ft. of lot area per dwelling unit)	Lot Dimensions (minimum)		Yards (minimum)				Height, Coverage, Floor Area Ratio (maximum)			Open Space (minimum, percent)
		Area (sq. ft. or acres) ¹	Width (ft)	Front (ft) ⁹	Interior Side (ft) ^{10, 15}	Corner Side (ft) ^{10, 15}	Rear (ft)	Height, (stories and feet) ¹¹	Lot Coverage, (percent)	Floor Area Ratio	
Clubhouses and other structures on the grounds of private clubs, golf courses, polo and tennis clubs				Minimum of 150 feet from the nearest residential property line, 25 feet from all others.							
Mooring slip				No requirement							

Table Notes

- ¹ Where the front, side or rear lot line of a residential lot adjoins an accessible and usable common or public open space which is at least five acres in area and of a depth perpendicular to the lot line of not less than 200 feet, the required area may be reduced by 20 percent.
- ² The minimum total zoning lot area is 5,400 square feet. For multi-family and single-family attached uses the maximum number of dwelling units per structure is 10.
- ³ Plus one foot for each three feet by which the building width exceeds 40 feet.
- ⁴ Unless the building height exceeds 25 feet, in which case the interior side yards shall equal one-fifth the building height. Buildings 50 feet or more in overall width, as projected upon the front lot line, shall have side yards not less than ten percent of the building width or 20 percent of the building height, whichever is greater.
- ⁵ Buildings 50 feet or more in overall width, as projected upon the front lot line, shall have corner side yards not less than 25 percent of the building width or 30 percent of the building height, whichever is greater.
- ⁶ Plus one foot for each two feet by which the building height exceeds 15 feet.
- ⁷ Unless the entire structure is located on the rear 25 percent of the lot, in which case only two feet is required. See illustration at Section 21.60.100.
- ⁸ Where the front, side or rear lot line of a residential lot adjoins an accessible and usable common or public open space which is at least five acres in area and of a depth perpendicular to the lot line of not less than 200 feet, the floor area ratio may be increased by 20 percent.
- ⁹ The front yard for principal uses shall be the minimum specified in the table or the established front yard pursuant to Chapter 21.38.
- ¹⁰ Each side yard shall meet the minimum requirement set forth in the table, and the total of both side yards must equal at least 20 percent of the lot width.
- ¹¹ i. Except as provided in subsection ii. of this note, no building shall exceed the lesser of either the maximum height in the bulk regulations table or the average height of all structures on the block face.
ii. New construction behind the ridgeline (i.e., roofline) of an existing structure, or if no structure is extant, behind the average front setback of ridgelines on the block face, may maintain the height limitation in the bulk regulations table
- ¹² i. Within five feet of any property line except rear property lines adjacent to an alley: maximum cornice height of eight feet and maximum ridge height of 16 feet.
ii. The cornice and ridge heights of an accessory structure may increase one foot for each one foot of additional setback beyond two feet up to a maximum height of two stories and/or a cornice height of sixteen feet and a ridge height of compatible design.
- ¹³ As specified by the decision-making body or official through the zoning decision-making process set forth in Division II, Administration.
- ¹⁴ If the lot is to be subdivided, a minimum lot area of 3,600 square feet and a minimum lot width of 30 feet per dwelling unit shall be provided.
- ¹⁵ In the case of resubdivision of improved zoning lots, side yard requirements do not apply between attached buildings.

Bulk Regulations Table R3- Neighborhood Conservation 2 District
Important. The notes at the end of the table are as much a part of the law as the table itself.

Permitted uses, special exception uses, and uses subject to specific standards	Density, (maximum, expressed as minimum sq. ft. of lot area per dwelling unit)	Lot Dimensions (minimum)		Yards (minimum)				Height, Coverage, Floor Area Ratio (maximum)			Open Space (minimum, percent)
		Area (sq. ft. or acres) ¹	Width (ft)	Front (ft) ⁹	Interior Side (ft)	Corner Side (ft)	Rear (ft)	Height, (stories and feet) ¹¹	Lot Coverage, (percent)	Floor Area Ratio	
Bed and breakfast homes		5,400	50	25	5 ¹⁰	15	30	2.5 stories not to exceed 35 feet		1.0 ⁸	
Day care centers, group		5,400	50	25	6 ¹⁰	15	30			0.75	
Dwellings, multifamily	3,600 ²		50	20 ³	5 ⁴	15 ⁵	30	3.5 stories not to exceed 35 feet		1.2 ⁸	
Dwellings, single-family attached	3,600 ²		16	20 ³		15 ⁵	30	3.5 stories not to exceed 35 feet		1.2 ⁸	
Dwellings, single-family detached		5,400	50	25	5 ¹⁰	15	30	2.5 stories not to exceed 35 feet		1.0 ⁸	
Dwellings, two-family		7,200 ¹⁴	60 ¹⁴	25	5 ¹⁰	15	30	2.5 stories not to exceed 35 feet		1.0 ⁸	
Educational institutions		5 acres	200	50 feet from all property lines						0.75	
Governmental uses				13							
Health and medical institutions		40,000	120	50 ³	15 ⁶	35 ⁶	50			1.2	
Inns		2 acres		i. Minimum setback from any street: 50 feet ii. Minimum setback from adjacent single-family development: 75 feet iii. All other yards: 30 feet				2.5 stories not to exceed 35 feet	10		50
Institutions for the care or treatment of alcoholics, drug addicts and the mentally ill		5 acres	200	13							
Museums and art galleries		40,000	120	50 ³	15 ⁶	35 ⁶	50			1.0	
Philanthropic and charitable institutions		20,000	100	35 ³	10 ⁶	25 ⁶	50			1.0	
Planned developments		Bulk regulations shall be determined through the planned development process, pursuant to Chapter 21.24.									
Recreational and social clubs		20,000	100	13							
Religious institutions		20,000	100	50 ³	15 ⁶	35 ⁶	50		60	1.0	
Accessory Uses											
Buildings accessory to single-family dwellings				20	5 ⁷	15	2	12		0.25 of the principal structure	

Bulk Regulations Table R3- Neighborhood Conservation 2 District
Important. The notes at the end of the table are as much a part of the law as the table itself.

Permitted uses, special exception uses, and uses subject to specific standards	Density, (maximum, expressed as minimum sq. ft. of lot area per dwelling unit)	Lot Dimensions (minimum)		Yards (minimum)				Height, Coverage, Floor Area Ratio (maximum)			Open Space (minimum, percent)
		Area (sq. ft. or acres) ¹	Width (ft)	Front (ft) ⁹	Interior Side (ft)	Corner Side (ft)	Rear (ft)	Height, (stories and feet) ¹¹	Lot Coverage, (percent)	Floor Area Ratio	
Clubhouses and other structures on the grounds of private clubs, golf courses, polo and tennis clubs				Minimum of 150 feet from the nearest residential property line, 25 feet from all others.							
Mooring slip				No requirement							

Table Notes

- ¹ Where the front, side or rear lot line of a residential lot adjoins an accessible and usable common or public open space which is at least five acres in area and of a depth perpendicular to the lot line of not less than 200 feet, the required area may be reduced by 20 percent.
- ² The minimum total zoning lot area is 5,400 square feet. For multi-family and single-family attached uses the maximum number of dwelling units per structure is 10.
- ³ Plus one foot for each three feet by which the building width exceeds 40 feet.
- ⁴ Unless the building height exceeds 25 feet, in which case the interior side yards shall equal one-fifth the building height. Buildings 50 feet or more in overall width, as projected upon the front lot line, shall have side yards not less than ten percent of the building width or 20 percent of the building height, whichever is greater.
- ⁵ Buildings 50 feet or more in overall width, as projected upon the front lot line, shall have corner side yards not less than 25 percent of the building width or 30 percent of the building height, whichever is greater.
- ⁶ Plus one foot for each two feet by which the building height exceeds 15 feet.
- ⁷ Unless the entire structure is located on the rear 25 percent of the lot, in which case only two feet is required. See illustration at Section 21.60.100.
- ⁸ Where the front, side or rear lot line of a residential lot adjoins an accessible and usable common or public open space which is at least five acres in area and of a depth perpendicular to the lot line of not less than 200 feet, the floor area ratio may be increased by 20 percent.
- ⁹ i) The front yard for principal uses shall be the lesser of the minimum specified in the table or the established front yard pursuant Chapter 21.38.
ii) Building additions may maintain the front yard of the existing structure.
iii) If a structure is demolished for the purposes of new construction, the new structure must maintain either the front yard of the previously demolished structure or the front yard as required under subsection i) of this note.
- ¹⁰ Rearward building additions may maintain the side yard of the existing structure, except that if such addition will impair an adequate supply of light and air to adjacent property or will impede the exterior maintenance of adjacent property, the minimum side yard set forth in the table shall be provided.
- ¹¹ i. Except as provided below in subsection ii., no building shall exceed the lesser of either the maximum height in the bulk regulations table or the average height of all structures on the block face.
ii. The height of an addition built behind the ridgeline of an existing structure shall not exceed the height limitation of the underlying zone.
- ¹² Maximum cornice height of eight feet and maximum ridge height of 16 feet. These limits are subject to adjustment in one of two ways:
i. The cornice height may be increased to 10 feet and the ridge height to 20 feet upon findings by the Planning and Zoning Director that a) physical constraints exist or that the allowance is necessary in order to achieve compatible design, and b) the purpose of this Zoning Code will not be jeopardized.
ii. The cornice and ridge heights may increase one foot for each one foot of additional setback beyond two feet up to a maximum cornice height of 10 feet and a maximum ridge height of 20 feet.
- ¹³ As specified by the decision-making body or official through the zoning decision-making process set forth in Division II, Administration.
- ¹⁴ If the lot is to be subdivided, a minimum lot area of 3,600 square feet and a minimum lot width of 30 feet per dwelling unit shall be provided.

Bulk Regulations Table R3-Neighborhood Conservation District
Important. The notes at the end of the table are as much a part of the law as the table itself.

Permitted uses, special exception uses, and uses subject to specific standards	Density (maximum expressed as minimum sq. ft. of lot area per dwelling unit)	Lot Dimensions (minimum)		Yards (minimum)				Height, Coverage, Floor Area Ratio (maximum)			Open Space (minimum, percent)
		Area (sq. ft. or acres) ¹	Width (ft)	Front (ft) ⁹	Interior Side (ft) ¹⁰	Corner Side (ft) ¹⁰	Rear (ft)	Height, (stories and feet) ¹¹	Lot Coverage, (percent)	Floor Area Ratio	
Day care centers, group		5,400	50	25	6	15	30			0.75	
Dwellings, multifamily	3,600 ²		50	20 ³	5 ⁴	15 ⁵	30	3.5 stories not to exceed 35 feet		1.2 ⁸	
Dwellings, multifamily, containing six or fewer dwelling units (see also Chapter 21.64 Standards for Uses Subject to Standards)	1,800										20
Dwellings, single family attached	3,600 ²		16	20 ³		15 ⁵	30	3.5 stories not to exceed 35 feet		1.2 ⁸	
Dwellings, single family detached		5,400	50	25	5	15	30	2.5 stories not to exceed 35 feet		1.0 ⁸	
Dwellings, two-family		7,200 ¹⁴	60 ¹⁴	25	5	15	30	2.5 stories not to exceed 35 feet		1.0 ⁸	
Educational institutions		5 acres	200	50 feet from all property lines						0.75	
Governmental uses				13							
Health and medical institutions		40,000	120	50 ³	15 ⁶	35 ⁶	50			1.2	
Inns		2 acres		i. Minimum setback from any street: 50 feet ii. Minimum setback from adjacent single-family development: 75 feet iii. All other yards: 30 feet				2.5 stories not to exceed 35 feet	10		50
Institutions for the care or treatment of alcoholics, drug addicts and the mentally ill		5 acres	200	13							
Museums and art galleries		40,000	120	50 ³	15 ⁶	35 ⁶	50			1.0	
Philanthropic and charitable institutions		20,000	100	35 ³	10 ⁶	25 ⁶	50			1.0	
Planned developments		Bulk regulations shall be determined through the planned development process, pursuant to Chapter 21.24.									
Recreational and social clubs		20,000	100	13							
Religious institutions		20,000	100	50 ³	15 ⁶	35 ⁶	50		60	1.0	

Bulk Regulations Table R3-Neighborhood Conservation District
Important. The notes at the end of the table are as much a part of the law as the table itself.

Permitted uses, special exception uses, and uses subject to specific standards	Density (maximum expressed as minimum sq. ft. of lot area per dwelling unit)	Lot Dimensions (minimum)		Yards (minimum)				Height, Coverage, Floor Area Ratio (maximum)			Open Space (minimum, percent)
		Area (sq. ft. or acres) ¹	Width (ft)	Front (ft) ⁹	Interior Side (ft) ¹⁰	Corner Side (ft) ¹⁰	Rear (ft)	Height, (stories and feet) ¹¹	Lot Coverage, (percent)	Floor Area Ratio	
Accessory Uses											
Buildings accessory to single-family dwellings, other than as specified elsewhere in this table				20	5 ⁷	15	2	12			
Clubhouses and other structures on the grounds of private clubs, golf courses, polo and tennis clubs				Minimum of 150 feet from the nearest residential property line, 25 feet from all others.							
Mooring slip				No requirement							

Table Notes

- ¹ Where the front, side or rear lot line of a residential lot adjoins an accessible and usable common or public open space which is at least five acres in area and of a depth perpendicular to the lot line of not less than 200 feet, the required area may be reduced by 20 percent.
- ² The minimum total zoning lot area is 5,400 square feet. For multi-family and single-family attached uses the maximum number of dwelling units per structure is 10.
- ³ Plus one foot for each three feet by which the building width exceeds 40 feet.
- ⁴ Unless the building height exceeds 25 feet, in which case the interior side yards shall equal one-fifth the building height. Buildings 50 feet or more in overall width, as projected upon the front lot line, shall have side yards not less than ten percent of the building width or 20 percent of the building height, whichever is greater.
- ⁵ Buildings 50 feet or more in overall width, as projected upon the front lot line, shall have corner side yards not less than 25 percent of the building width or 30 percent of the building height, whichever is greater.
- ⁶ Plus one foot for each two feet by which the building height exceeds 15 feet.
- ⁷ Unless the entire structure is located on the rear 25 percent of the lot, in which case only two feet is required. See illustration at Section 21.60.100.
- ⁸ Where the front, side or rear lot line of a residential lot adjoins an accessible and usable common or public open space which is at least five acres in area and of a depth perpendicular to the lot line of not less than 200 feet, the floor area ratio may be increased by 20 percent.
- ⁹ The front yard for principal uses shall be the minimum specified in the table or the established front yard pursuant to Chapter 21.38.
- ¹⁰ Each side yard shall meet the minimum requirement set forth in the table, and the total of both side yards must equal at least 20 percent of the lot width.
- ¹¹ i. Except as provided in subsection ii. of this note, no building shall exceed the lesser of either the maximum height in the bulk regulations table or the average height of all structures on the block face.
ii. New construction behind the ridgeline (i.e., roofline) of an existing structure, or if no structure is extant, behind the average front setback of ridgelines on the block face, may maintain the height limitation in the bulk regulations table.
- ¹² i. Within five feet of any property line except rear property lines adjacent to an alley: maximum cornice height of eight feet and maximum ridge height of 16 feet.
ii. The cornice and ridge heights of an accessory structure may increase one foot for each one foot of additional setback beyond two feet up to a maximum height of two stories and/or a cornice height of sixteen feet and a ridge height of compatible design.
- ¹³ As specified by the decision-making body or official through the zoning decision-making process set forth in Division II, Administration.
- ¹⁴ If the lot is to be subdivided, a minimum lot area of 3,600 square feet and a minimum lot width of 30 feet per dwelling unit shall be provided.

Bulk Regulations Table R3-Revitalization District

Important. The notes at the end of the table are as much a part of the law as the table itself.

Permitted uses, special exception uses, and uses subject to specific standards	Density (maximum, expressed as minimum sq. ft. of lot area per dwelling unit)	Lot Dimensions (minimum)		Yards (minimum)				Height, Coverage, Floor Area Ratio (maximum)			Open Space (minimum, percent)
		Area (sq. ft. or acres) ¹	Width (ft)	Front (ft) ⁹	Interior Side (ft) ^{10, 15, 16}	Corner Side (ft) ¹⁵	Rear (ft) ¹⁷	Height, (stories and feet) ¹¹	Lot Coverage, (percent)	Floor Area Ratio	
Day care centers, group		5,400	50	25	6	5	30			0.75	
Dwellings, multifamily	3,600 ²		50	20 ³	5 ⁴	5	30	3.5 stories not to exceed 35 feet		1.2 ⁸	
Dwellings, single-family attached	3,600 ²		16	20 ³		5	30	3.5 stories not to exceed 35 feet		1.2 ⁸	
Dwellings, single-family detached		5,400	50	25	5	5	30	2.5 stories not to exceed 35 feet		1.0 ⁸	
Dwellings, two-family		7,200 ¹⁴	50 ¹⁴	25	5	5	30	2.5 stories not to exceed 35 feet		1.0 ⁸	
Educational institutions		5 acres	200	50 feet from all property lines						0.75	
Governmental uses		¹³									
Health and medical institutions		40,000	120	50 ³	15 ⁶	5	50			1.2	
Inns		2 acres		i. Minimum setback from any street: 50 feet ii. Minimum setback from adjacent single-family development: 75 feet iii. All other yards: 30 feet				2.5 stories not to exceed 35 feet	10		50
Institutions for the care or treatment of alcoholics, drug addicts and the mentally ill		5 acres	200	¹³							
Museums and art galleries		40,000	120	50 ³	15 ⁶	5	50			1.0	
Philanthropic and charitable institutions		20,000	100	35 ³	10 ⁶	5	50			1.0	
Planned developments		Bulk regulations shall be determined through the planned development process, pursuant to Chapter 21. 24.									
Recreational and social clubs		20,000	100	¹³							
Religious institutions		20,000	100	50 ³	15 ⁶	5	50		60	1.0	
Accessory Uses											
Buildings accessory to single-family dwellings, other than as specified elsewhere in this table				20	5 ⁷	15	2	¹²			

Bulk Regulations Table R3-Revitalization District

Important. The notes at the end of the table are as much a part of the law as the table itself.

Permitted uses, special exception uses, and uses subject to specific standards	Density (maximum, expressed as minimum sq. ft. of lot area per dwelling unit)	Lot Dimensions (minimum)		Yards (minimum)				Height, Coverage, Floor Area Ratio (maximum)			Open Space (minimum, percent)
		Area (sq. ft. or acres) ¹	Width (ft)	Front (ft) ⁹	Interior Side (ft) ^{10, 15, 16}	Corner Side (ft) ¹⁵	Rear (ft) ¹⁷	Height, (stories and feet) ¹¹	Lot Coverage, (percent)	Floor Area Ratio	
Clubhouses and other structures on the grounds of private clubs, golf courses, polo and tennis clubs				Minimum of 150 feet from the nearest residential property line, 25 feet from all others.							
Mooring slip				No requirement							

Table Notes

- ¹ Where the front, side or rear lot line of a residential lot adjoins an accessible and usable common or public open space which is at least five acres in area and of a depth perpendicular to the lot line of not less than 200 feet, the required area may be reduced by 20 percent.
- ² The minimum total zoning lot area is 5,400 square feet. For multi-family and single-family attached uses the maximum number of dwelling units per structure is 10.
- ³ Plus one foot for each three feet by which the building width exceeds 40 feet.
- ⁴ the building height exceeds 25 feet, in which case the interior side yards shall equal one-fifth the building height. Buildings 50 feet or more in overall width, as projected upon the front lot line, shall have side yards not less than ten percent of the building width or 20 percent of the building height, whichever is greater.
- ⁵ Corner side yards are not required, except in the case where there is an established front yard in the remainder of the block. In such cases, the corner side yard shall be provided in accordance with the established-front-yard regulations pursuant to Chapter 21.38.
- ⁶ Plus one foot for each two feet by which the building height exceeds 15 feet.
- ⁷ Unless the entire structure is located on the rear 25 percent of the lot, in which case only two feet is required. See illustration at Section 21.60.100.
- ⁸ Where the front, side or rear lot line of a residential lot adjoins an accessible and usable common or public open space which is at least five acres in area and of a depth perpendicular to the lot line of not less than 200 feet, the floor area ratio may be increased by 20 percent.
- ⁹ i) The front yard for principal uses shall be the lesser of the minimum specified in the table or the established front yard pursuant to Chapter 21.38.
 ii) Building additions may maintain the front yard of the existing structure.
 iii) If a structure is demolished for the purposes of new construction, the new structure must maintain either the front yard of the previously demolished structure or the front yard as required under subsection i) of this note.
- ¹⁰ Each side yard shall meet the minimum requirement set forth in the table, and the total of both side yards must equal at least 20 percent of the lot width.
- ¹¹ i. Except as provided in subsections ii. and iii. of this note, no building shall exceed the lesser of either the maximum height in the bulk regulations table or the average height of all structures on the block face.
 ii. New construction behind the ridgeline (i.e., roofline) of an existing structure, or if no structure is extant, behind the average front setback of ridgelines on the block face, may maintain the height limitation in the bulk regulations table.
 iii. The Director of Planning and Zoning may grant a 10 percent adjustment to the average height of all structures on the block face in subsection i. of this note, pursuant to the procedures set forth in Chapter 21.18 of this Zoning Code. This adjustment shall not be construed to permit buildings greater in height than the maximum height allowed in the district.
- ¹² i. Within five feet of any property line except rear property lines adjacent to an alley: maximum cornice height of eight feet and maximum ridge height of 16 feet. The cornice height may be increased to 10 feet and the ridge height to 20 feet upon findings by the Planning and Zoning Director that a) physical constraints exist or that the allowance is necessary in order to achieve compatible design, and b) the purpose of this Zoning Code will not be jeopardized.
 ii. The cornice and ridge heights of an accessory structure may increase one foot for each one foot of additional setback beyond two feet up to a maximum height of two stories and/or a cornice height of sixteen feet and a ridge height of compatible design.
- ¹³ As specified by the decision-making body or official through the zoning decision-making process set forth in Division II, Administration.
- ¹⁴ If the lot is to be subdivided, a minimum lot area of 3,600 square feet and a minimum lot width of 30 feet per dwelling unit shall be provided.
- ¹⁵ In the case of resubdivision of improved zoning lots, side yard requirements do not apply between attached buildings.
- ¹⁶ Rearward building additions may maintain the side yard of an existing structure, except that if such addition will impair an adequate supply of light and air to adjacent property or

Bulk Regulations Table R3-Revitalization District

Important. The notes at the end of the table are as much a part of the law as the table itself.

will impede the exterior maintenance of adjacent property, the minimum side yard set forth in the table shall be provided.

- ¹⁷ Building additions may maintain the rear yard of an existing structure except that if such addition will impair an adequate supply of light and air to adjacent property or will impede the exterior maintenance of adjacent property, the minimum rear yard set forth in the table shall be provided.

Bulk Regulations Table R4 District

Important. The notes at the end of the table are as much a part of the law as the table itself.

Permitted uses, special exception uses, and uses subject to specific standards	Density (maximum, expressed as minimum sq. ft. of lot area per dwelling unit)	Lot Dimensions (minimum)		Yards (minimum)				Height, Coverage, Floor Area Ratio (maximum)			Open Space (minimum, percent)
		Area (sq. ft. or acres) ¹	Width (ft)	Front (ft)	Interior Side (ft) ¹²	Corner Side (ft) ¹²	Rear (ft)	Height, (stories and feet)	Lot Coverage, (percent)	Floor Area Ratio	
Apartment hotels	1,700 ²		40	20 ³	5 ⁴	10 ⁵	30			2.0 ⁶	
Day care centers, group		5,400	50	25	6	15	30			0.75	
Dwellings, multifamily	1,700 ²		40	20 ³	5 ⁴	10 ⁵	30			2.0 ^{6,9}	
Dwellings, single-family attached	1,700 ²		16	20 ³		10 ⁵	30			2.0 ^{6,9}	
Dwellings, single-family detached		4,800	40	15	5	15	30	2.5 stories not to exceed 35 feet		1.0 ⁹	
Dwellings, two-family		4,800 ¹¹	40 ¹¹	20 ³	5 ⁴	10 ⁵	30	2.5 stories not to exceed 35 feet		1.0 ⁹	
Educational institutions		5 acres	200	50 feet from all property lines						0.75	
Governmental uses				¹⁰							
Health and medical institutions		40,000	120	50 ³	15 ⁷	35 ⁷	50			1.8	
Inns		2 acres		i. Minimum setback from any street: 50 feet ii. Minimum setback from adjacent single-family development: 75 feet iii. All other yards: 30 feet				2.5 stories not to exceed 35 feet	10		50
Institutions for the care or treatment of alcoholics, drug addicts and the mentally ill		5 acres	200	¹⁰							
Museums and art galleries		40,000	120	50 ³	15 ⁷	35 ⁷	50			1.0	
Philanthropic and charitable institutions		20,000	100	35 ³	10 ⁷	25 ⁷	50			1.0	
Planned developments		Bulk regulations shall be determined through the planned development process, pursuant to Chapter 21.24.									
Recreational and social clubs		20,000	100	¹⁰							
Religious institutions		20,000	100	35 ³	10 ⁷	25 ⁷	40			1.0	
Accessory Uses											
Buildings accessory to single-family dwellings, other than as specified elsewhere in this table				15	5 ⁸	10	2				
Clubhouses and other structures on the grounds of private clubs, golf courses, polo and tennis clubs				Minimum of 150 feet from the nearest residential property line, 25 feet from all others.							
Mooring slip				No requirement							

Table Notes

Bulk Regulations Table R4 District

Important. The notes at the end of the table are as much a part of the law as the table itself.

- ¹ Where the front, side or rear lot line of a residential lot adjoins an accessible and usable common or public open space which is at least five acres in area and of a depth perpendicular to the lot line of not less than two hundred feet, the required area may be reduced by twenty percent.
- ² The minimum total zoning lot area is 4,800 square feet. If 75 percent or more of the required off-street parking spaces are provided underground or within a structure, the minimum lot area shall be 1,000 square feet per dwelling unit.
- ³ Plus one foot for each three feet by which the building width exceeds 40 feet.
- ⁴ Unless the building height exceeds 25 feet, in which case the interior side yards shall equal one-fifth the building height. Buildings 50 feet or more in overall width, as projected upon the front lot line, shall have side yards not less than ten percent of the building width or 20 percent of the building height, whichever is greater.
- ⁵ Buildings 50 feet or more in overall width, as projected upon the front lot line, shall have corner side yards not less than 25 percent of the building width or 30 percent of the building height, whichever is greater.
- ⁶ If 75 percent or more of the required off-street parking spaces are provided underground or in a structure, the maximum allowable floor area ratio is 2.2.
- ⁷ Plus one foot for each two feet by which the building height exceeds 15 feet.
- ⁸ Unless the entire structure is located on the rear 25 percent of the lot, in which case only two feet is required. See illustration at Section 21.60.100.
- ⁹ Where the front, side or rear lot line of a residential lot adjoins an accessible and usable common or public open space which is at least five acres in area and of a depth perpendicular to the lot line of not less than 200 feet, the floor area ratio may be increased by 20 percent.
- ¹⁰ As specified by the decision-making body or official through the zoning decision-making process set forth in Division II, Administration.
- ¹¹ If the lot is to be subdivided, a minimum lot area of 2,400 square feet and a minimum lot width of 30 feet per dwelling unit shall be provided.
- ¹² In the case of resubdivision of improved zoning lots, side yard requirements do not apply between attached buildings.

Bulk Regulations Table R4-Revitalization District
Important. The notes at the end of the table are as much a part of the law as the table itself.

Permitted uses, special exception uses, and uses subject to specific standards	Density, (maximum, expressed as minimum sq. ft. of lot area per dwelling unit)	Lot Dimensions (minimum)		Yards (minimum)				Height, Coverage, Floor Area Ratio (maximum)			Open Space (minimum, percent)
		Area (sq. ft. or acres) ¹	Width (ft)	Front (ft) ¹²	Interior Side (ft) ¹³	Corner Side (ft)	Rear (ft) ¹⁵	Height, (stories and feet) ¹⁶	Lot Coverage, (percent)	Floor Area Ratio	
Apartment hotels	1,700 ²		40	20 ³	5	¹⁴	30			2.0 ⁶	
Day care centers, group		5,400	50	25	5	¹⁴	30			0.75	
Dwellings, multifamily	1,700 ²		40	20 ³	5	¹⁴	30			2.0 ^{6, 9}	
Dwellings, single-family attached	1,700 ²		16	20 ³		¹⁴	30			2.0 ^{6, 9}	
Dwellings, single-family detached		4,800	40	15	5	¹⁴	30	2.5 stories not to exceed 35 feet		1.0 ⁹	
Dwellings, two-family		4,800 ¹¹	40 ¹¹	20 ³	5	¹⁴	30	2.5 stories not to exceed 35 feet		1.0 ⁹	
Educational institutions		5 acres	200	50	5	¹⁴				0.75	
Governmental uses							10				
Health and medical institutions		40,000	120	50 ³	5	¹⁴	30			1.8	
Inns		2 acres		i. Minimum setback from any street: 50 feet ii. Minimum setback from adjacent single-family development: 75 feet iii. All other yards: 30 feet				2.5 stories not to exceed 35 feet	10		50
Institutions for the care or treatment of alcoholics, drug addicts and the mentally ill		5 acres	200	10							
Museums and art galleries		40,000	120	50 ³	5	¹⁴	30			1.0	
Philanthropic and charitable institutions		20,000	100	35 ³	5	¹⁴	30			1.0	
Planned developments		Bulk regulations shall be determined through the planned development process, pursuant to Chapter 21.24.									
Recreational and social clubs		20,000	100	10							
Religious institutions		20,000	100	35 ³	5	¹⁴	30			1.0	
Accessory Uses											
Buildings accessory to single-family dwellings, other than as specified elsewhere in this table				15	5 ⁸	10	2	17			
Clubhouses and other structures on the grounds of private clubs, golf courses, polo and tennis clubs				Minimum of 150 feet from the nearest residential property line, 25 feet from all others.							
Mooring slip				No requirement							

Table Notes

Bulk Regulations Table R4-Revitalization District

Important. The notes at the end of the table are as much a part of the law as the table itself.

- ¹ Where the front, side or rear lot line of a residential lot adjoins an accessible and usable common or public open space which is at least five acres in area and of a depth perpendicular to the lot line of not less than 200 feet, the required area may be reduced by 20 percent.
- ² The minimum total zoning lot area is 4,800 square feet. If 75 percent or more of the required off-street parking spaces are provided underground or within a structure, the minimum lot area shall be 1,000 square feet per dwelling unit.
- ³ Plus one foot for each three feet by which the building width exceeds 40 feet.
- ⁴ Unless the building height exceeds 25 feet, in which case the interior side yards shall equal one-fifth the building height. Buildings 50 feet or more in overall width, as projected upon the front lot line, shall have side yards not less than ten percent of the building width or 20 percent of the building height, whichever is greater.
- ⁵ Buildings 50 feet or more in overall width, as projected upon the front lot line, shall have corner side yards not less than 25 percent of the building width or 30 percent of the building height, whichever is greater.
- ⁶ If 75 percent or more of the required off-street parking spaces are provided underground or in a structure, the maximum allowable floor area ratio is 2.2.
- ⁷ Plus one foot for each two feet by which the building height exceeds 15 feet.
- ⁸ Unless the entire structure is located on the rear 25 percent of the lot, in which case only two feet is required. See illustration at Section 21.60.100.
- ⁹ Where the front, side or rear lot line of a residential lot adjoins an accessible and usable common or public open space which is at least five acres in area and of a depth perpendicular to the lot line of not less than 200 feet, the floor area ratio may be increased by 20 percent.
- ¹⁰ As specified by the decision-making body or official through the zoning decision-making process set forth in Division II, Administration.
- ¹¹ If the lot is to be subdivided, a minimum lot area of 2,400 square feet and a minimum lot width of 30 feet per dwelling unit shall be provided.
- ¹² i) The front yard for principal uses shall be the lesser of the minimum specified in the table or the established front yard pursuant to Chapter 21.38.
ii) Building additions may maintain the front yard of the existing structure.
iii) If a structure is demolished for the purposes of new construction, the new structure must maintain either the front yard of the previously demolished structure or the front yard as required under subsection i) of this note.
- ¹³ Rearward building additions may maintain the side yard of an existing structure, except that if such addition will impair an adequate supply of light and air to adjacent property or will impede the exterior maintenance of adjacent property, the minimum side yard set forth in the table shall be provided.
- ¹⁴ Corner side yards are not required, except in the case where there is an established front yard in the remainder of the block. In such cases, the corner side yard shall be provided in accordance with the established-front-yard regulations pursuant to Chapter 21.38.
- ¹⁵ Building additions may maintain the rear yard of an existing structure except that if such addition will impair an adequate supply of light and air to adjacent property or will impede the exterior maintenance of adjacent property, the minimum rear yard set forth in the table shall be provided.
- ¹⁶ i. Except as provided in subsections ii. and iii. of this note, no building shall exceed the lesser of either the maximum height in the bulk regulations table or the average height of all structures on the block face.
ii. New construction behind the ridgeline (i.e., roofline) of an existing structure, or if no structure is extant, behind the average front setback of ridgelines on the block face, may maintain the height limitation in the bulk regulations table.
iii. The Director of Planning and Zoning may grant a 10 percent adjustment to the average height of all structures on the block face in subsection i. of this note, pursuant to the procedures set forth in Chapter 21.18 of this Zoning Code. This adjustment shall not be construed to permit buildings greater in height than the maximum height allowed in the district.
- ¹⁷ i. Within two feet of any property line except rear property lines adjacent to an alley: maximum cornice height of eight feet and maximum ridge height of 16 feet. The cornice height may be increased to 10 feet and the ridge height to 20 feet upon findings by the Planning and Zoning Director that a) physical constraints exist or that the allowance is necessary in order to achieve compatible design, and b) the purpose of this Zoning Code will not be jeopardized.
ii. The cornice and ridge heights of an accessory structure may increase one foot for each one foot of additional setback beyond two feet up to a maximum height of two stories and/or a cornice height of 16 feet and a ridge height of compatible design.

Bulk Regulations Table C1 District
Important. The notes at the end of the table are as much a part of the law as the table itself.

Permitted uses, special exception uses, and uses subject to specific standards	Density (maximum, expressed as minimum sq. ft. of lot area per dwelling unit)	Lot Dimensions (minimum)		Yards (minimum)				Height, maximum (feet)
		Area (sq. ft. or acres)	Width (ft)	Front (ft)	Interior Side (ft)	Corner Side (ft)	Rear (ft)	
Bed and breakfast homes		3,600	25	1	2	3	30	45 ⁴
Day care centers, group		3,600	25	1	2	3	30	45 ⁴
Dwellings, multifamily	1,800	3,600	25	1	2	3	30	45 ⁴
Dwellings, single family attached	1,800	3,600	25	1	2	3	30	45 ⁴
Dwellings, single family detached		3,600	25	1	2	3	30	45 ⁴
Dwellings, two-family	1,800	3,600	25	1	2	3	30	45 ⁴
Educational institutions		20,000	90	1	2	3	30	45 ⁴
Governmental uses		10,000	70	1	2	3	30	45 ⁴
Group homes		3,600	25	1	2	3	30	45 ⁴
Health and medical institutions		10,000	70	1	2	3	30	45 ⁴
Museums and art galleries		20,000	90	1	2	3	30	45 ⁴
Philanthropic and charitable institutions		5,400	50	1	2	3	30	45 ⁴
Religious institutions		10,000	70	1	2	3	30	45 ⁴
Accessory Uses								
Accessory buildings and structures		Per the principal use		1	5 ⁵	3	2	45 ⁴
Mooring slip				No requirement				

Table Notes

¹ Front yards are not required, except in the case of an established front yard pursuant to Chapter 21.38.

² Side yards are not required, but where a side yard is provided it shall be not less than five feet. See also Chapter 21.56 for modifications to the side yard requirements.

³ Corner side yards are not required, except in the case where there is an established front yard in the remainder of the block. In those cases, the corner side yard shall be provided in accordance with the established-front-yard regulations pursuant to Chapter 21.38.

⁴ In the historic district, special height measurement and limits requirements apply, see Chapter 21.56.

⁵ Unless the entire accessory structure is located on the rear 25 percent of the lot, in which case only two feet is required. See illustration at Section 21.60.100.

Bulk Regulations Table C1-A District

Important. The notes at the end of the table are as much a part of the law as the table itself.

Permitted uses, special exception uses, and uses subject to specific standards	Density (maximum, expressed as minimum sq. ft. of lot area per dwelling unit)	Lot Dimensions (minimum)		Yards (minimum)				Height (maximum, feet)
		Area (sq. ft. or acres)	Width (ft)	Front (ft)	Interior Side (ft)	Corner Side (ft)	Rear (ft)	
Bed and breakfast homes		3,600	25	1	2	3	30	4
Dwellings, single-family detached		3,600	25	1	2	3	30	4
Dwellings, two-family	1,800	3,600	25	1	2	3	30	4
Educational institutions		20,000	90	1	2	3	30	4
Governmental uses		10,000	70	1	2	3	30	4
Museums and art galleries		20,000	90	1	2	3	30	4
Religious institutions		10,000	70	1	2	3	30	4
Accessory Uses								
Accessory buildings		Per the principal use		1	5 ⁵	3	2	4
Mooring slip				No requirement				

Table Notes

¹ Front yards are not required, except in the case of an established front yard pursuant to Chapter 21.38.

² Side yards are not required, but where a side yard is provided it shall be not less than five feet.

³ Corner side yards are not required, except in the case where there is an established front yard in the remainder of the block. In those cases, the corner side yard shall be provided in accordance with the established-front-yard regulations pursuant to Chapter 21.38.

⁴ In the historic district, special height measurement and limits requirements apply, see Chapter 21.56.

⁵ Unless the entire accessory structure is located on the rear 25 percent of the lot, in which case only two feet is required. See illustration at Section 21.60.100.

Bulk Regulations Table B1 District
Important. The notes at the end of the table are as much a part of the law as the table itself.

Permitted uses, special exception uses, and uses subject to specific standards	Lot Area (minimum, sq. ft.)	Yards (minimum)				Floor Area (maximum, square feet)	Floor Area Ratio (maximum)	Height	Location
		Front (ft) ¹	Interior or Side (ft)	Corner Side (ft)	Rear (ft)				
Business establishment	2,400	15 ²	0 ²	15 ²	0 ²	7,000 ³	1.5	2.5 stories not to exceed 35 feet	4
Dwellings above the ground floor of non residential uses	2,400 per dwelling unit ⁵	Per business establishments			30				6
Dwellings, single-family detached	4,800	15	5	10	30		1.5		
Group homes	4,800	15	5	15	30		1.5		
Other uses	Bulk regulations shall be determined through the site design plan review, planned development, or special exception processes, pursuant to Chapters 21.22, 21.24, and 21.26.								

Table Notes

- ¹ The front yard for principal uses shall be the minimum specified in the table or the established front yard pursuant to Chapter 21.38.
- ² In addition to required yards, transitional yards may be required as set forth in the following table. Screening such as with a wall, fence or densely planted compact plantings may be required, as determined through the site plan design review process.

Situation	Required transitional yard
Extension of the front lot line would coincide with the front lot line of an adjacent lot located in a residential district	25-foot front yard
Extension of a side lot line would coincide with the front lot line of an adjacent lot located in a residential district	15-foot side yard
Extension of a side lot line would coincide with a side lot line of an adjacent lot located in a residential district	15-foot side yard
Interior side yard coincides with a side lot line in an adjacent residential district	10-foot side yard
Interior side yard coincides with a rear lot line in an adjacent residential district	10-foot side yard
Rear yard coincides with side lot line in an adjacent residential district	10-foot rear yard
Rear yard coincides with rear lot line in an adjacent residential district	30-foot rear yard

- ³ Per business establishment, exclusive of floor area devoted to off-street parking and loading facilities.
- ⁴ Business uses are not permitted on any floor above the ground floor, except in those buildings or structures where dwelling units are not established.
- ⁵ In addition to the area for the business establishment.
- ⁶ Dwelling units in conjunction with business establishments are not permitted below the second floor of buildings.

Page: 1

[CG1] See lengthy comment on established front yard in Division III.

Bulk Regulations Table B2 District

Important. The notes at the end of the table are as much a part of the law as the table itself.

Permitted uses, special exception uses, and uses subject to specific standards	Lot Area (minimum, sq. ft.)	Yards (minimum)				Floor Area Ratio (maximum)	Location
		Front (ft) ¹	Interi or Side (ft)	Corner Side (ft)	Rear (ft)		
Business establishment		0 ²	0 ²	0 ²	0 ²	2.0	
Dwellings above the ground floor of non residential uses	1,800 per dwelling unit ³	Per business establishments					4
Other uses	Bulk regulations shall be determined through the site design plan review, planned development, or special exception processes, pursuant to Chapters 21.22, 21.24, and 21.26.						

Table Notes

¹ The front yard for principal uses shall be the minimum specified in the table or the established front yard pursuant to Chapter 21.38.

² In addition to required yards, transitional yards may be required as set forth in the following table. Screening such as with a wall, fence or densely planted compact plantings may be required, as determined through the site plan design review process.

Situation	Required transitional yard	Additional requirements
Extension of the front lot line would coincide with the front lot line of an adjacent lot located in a residential district	25-foot front yard	No building or structure in a shopping center shall be located within 100 feet of either a city or county residential district boundary line.
Extension of a side lot line would coincide with the front lot line of an adjacent lot located in a residential district	15-foot side yard	
Extension of a side lot line would coincide with a side lot line of an adjacent lot located in a residential district	15-foot side yard	
Interior side yard coincides with a side lot line in an adjacent residential district	10-foot side yard	
Interior side yard coincides with a rear lot line in an adjacent residential district	10-foot side yard	
Rear yard coincides with side lot line in an adjacent residential district	10-foot rear yard	
Rear yard coincides with rear lot line in an adjacent residential district	30-foot rear yard	

³ In addition to the area for the business establishment.

⁴ Dwelling units in conjunction with business establishments are not permitted below the second floor of buildings.

Bulk Regulations Table B3 District

Important. The notes at the end of the table are as much a part of the law as the table itself.

Permitted uses, special exception uses, and uses subject to specific standards	Lot Area (minimum, sq. ft.)	Yards (minimum)				Floor Area Ratio (maximum)
		Front (ft) ¹	Interi or Side (ft)	Corner Side (ft)	Rear (ft)	
Business establishment	0	30 ²	0	0 ²	0 ²	2.4
Other uses	Bulk regulations shall be determined through the site design plan review, planned development, or special exception processes, pursuant to Chapters 21.22, 21.24, and 21.26.					

Table Notes

¹ The front yard for principal uses shall be the minimum specified in the table or the established front yard pursuant to Chapter 21.38.

² No building or structure in the B3 district shall be located within 100 feet of either a city or county residence district boundary line, unless the building or structure is effectively screened from the residence district property by a wall, fence or densely planted compact plantings, as determined through the site plan design review process. In the event of screening, the transitional yard requirements in the following table shall apply:

Situation	Required transitional yard	Additional requirements
Extension of the front lot line would coincide with the front lot line of an adjacent lot located in a residential district	25-foot front yard	No building or structure in a shopping center shall be located within 125 feet of a residential district boundary line.
Extension of a side lot line would coincide with the front lot line of an adjacent lot located in a residential district	15-foot side yard	
Extension of a side lot line would coincide with a side lot line of an adjacent lot located in a residential district	15-foot side yard	
Interior side yard coincides with a side lot line in an adjacent residential district	10-foot side yard	
Interior side yard coincides with a rear lot line in an adjacent residential district	10-foot side yard	
Rear yard coincides with side lot line in an adjacent residential district	10-foot rear yard	
Rear yard coincides with rear lot line in an adjacent residential district	30-foot rear yard	

Bulk Regulations Table B3-CD Corridor Design District
Important. The notes at the end of the table are as much a part of the law as the table itself.

Permitted uses, special exception uses, and uses subject to specific standards	Lot Area (minimum) (sq. ft.)	Yards (minimum)				Floor Area Ratio (maximum)	Bufferyards
		Front (ft) ¹	Interi or Side (ft)	Corner Side (ft)	Rear (ft)		
Business establishment	0	30 ²	0	0 ²	0 ²	2.4	See Table Notes for bufferyard requirements.
Other uses	Bulk regulations shall be determined through the site design plan review, planned development, or special exception processes, pursuant to Chapters 21.22, 21.24, and 21.26.						

Table Notes

¹ The front yard for principal uses shall be the minimum specified in the table or the established front yard pursuant to Chapter 21.38.

² **Transitional yards.** No building or structure in the B3-CD district shall be located within 100 feet of either a city or county residence district boundary line, unless the building or structure is effectively screened from the residence district property by a wall, fence or densely planted compact plantings, as determined through the site design plan review process. In the event of screening, the transitional yard requirements in the following table shall apply:

Situation	Required transitional yard	Additional requirements
Extension of the front lot line would coincide with the front lot line of an adjacent lot located in a residential district	25-foot front yard	No building or structure in a shopping center shall be located within 125 feet of a residential district boundary line.
Extension of a side lot line would coincide with the front lot line of an adjacent lot located in a residential district	15-foot side yard	
Extension of a side lot line would coincide with a side lot line of an adjacent lot located in a residential district	15-foot side yard	
Interior side yard coincides with a side lot line in an adjacent residential district	10-foot side yard	
Interior side yard coincides with a rear lot line in an adjacent residential district	10-foot side yard	
Rear yard coincides with side lot line in an adjacent residential district	10-foot rear yard	
Rear yard coincides with rear lot line in an adjacent residential district	30-foot rear yard	

Bulk Regulations Table B3-CD Corridor Design District
Important. The notes at the end of the table are as much a part of the law as the table itself.

Bufferyards

1. Bufferyards shall be provided as set forth in the following table:
2. Deciduous street trees shall be planted, to the extent possible, with a maximum spacing of 15 feet.

Situation of lot	Minimum bufferyard	Additional requirements
Adjacent to streets designated minor arterials in the city Comprehensive Plan.	20 feet depth along the public right-of-way	<ol style="list-style-type: none"> 1. Bufferyard trees shall be deciduous canopy trees, except that if such trees will interfere with overhead utilities, understory (ornamental trees) may be substituted. 2. Special Provisions for automobile dealerships. <ol style="list-style-type: none"> a. Automobile dealerships that provide additional 25 percent depth of right-of-way buffer may place display pads within the buffer provided the following criteria are met: <ol style="list-style-type: none"> i. Minimum five feet green area between the front of the display pad and the adjacent lot line; ii. 12 feet landscaped area between display pads; and iii. Display pads must be accessible from the interior of the lot. 3. Any expansion in width of a right-of-way bufferyard may be counted toward satisfying the interior landscaping requirements of this chapter.
Adjacent to streets designated collector or local streets in the city comprehensive plan:	15 feet depth along public right-of-way	
Abutting residentially zoned land	20 feet depth. This depth may be reduced, if fences, walls, berms or other screening devices are used.	
Between nonresidentially zoned land.	10-foot width along the length of the side lot line between the separate uses (five feet on each property sharing the common lot line)	The minimum bufferyard may be waived in the event of shared access, or driveways between uses.

Bulk Regulations Table BCE District

Important. The notes at the end of the table are as much a part of the law as the table itself.

Permitted uses, special exception uses, and uses subject to specific standards	Density (maximum, expressed as minimum sq. ft. of lot area per dwelling unit)	Lot Area (minimum, acres or sq. ft.)	Lot width (minimum, feet)	Lot depth (minimum, feet)	Yards (minimum)				Open Space (minimum)	Lot Coverage (maximum)	Floor Area Ratio (maximum)	Height
					Front (ft)	Interior Side (ft)	Corner Side (ft)	Rear (ft)				
All uses unless otherwise listed in this table		5,400	0		No minimum yard requirements except for required bufferyards as set forth in the Table Notes.							a. Structures located less than 50 feet from residentially zoned land: 2.5 stories not to exceed 35 feet. b. Structures located 50 feet or more from residentially zoned land: four stories not to exceed 45 feet.
Motor vehicle sales		1.5 acres	150									
Educational and cultural institutions		20,000 sf	90									
Religious institutions		20,000 sf	90									
Hotels, motels, and inns		1 acre	200									
Dwellings, multi-family	726	2 acres ¹	100	100				10 percent	80 percent	2.0	Four stories not to exceed 65 feet ²	
Other uses		Bulk regulations shall be determined through the site design plan review, planned development, or special exception processes, pursuant to Chapters 21.22, 21.24, and 21.26.										

Table Notes

¹ The residential component of a unified development plan for a multi-family development may be developed on a parcel of a minimum of 20,000 square feet.

² A loft or intermediate story between a floor and a ceiling of a full story shall not be treated as a story.

Bufferyards

1. Bufferyards shall be provided as set forth in the following table:
2. Deciduous street trees shall be planted, to the extent possible, with a maximum spacing of 15 feet.

Bulk Regulations Table BCE District

Important. The notes at the end of the table are as much a part of the law as the table itself.

Situation of lot	Minimum bufferyard	Additional requirements
Adjacent to streets designated minor arterials in the city comprehensive plan.	20 feet depth along the public right-of-way	1. Bufferyard trees shall be deciduous canopy trees, except that if such trees will interfere with overhead utilities, understory (ornamental trees) may be substituted.
Adjacent to streets designated collector or local streets in the city comprehensive plan:	15 feet depth along public right-of-way	2. Special Provisions for automobile dealerships. <ul style="list-style-type: none"> a. Automobile dealerships that provide additional 25 percent depth of right-of-way buffer may place display pads within the buffer provided the following criteria are met: <ul style="list-style-type: none"> i. Minimum five feet green area between the front of the display pad and the adjacent lot line; ii. 12 feet landscaped area between display pads; and iii. Display pads must be accessible from the interior of the lot. 3. Any expansion in width of a right-of-way bufferyard may be counted toward satisfying the interior landscaping requirements of this chapter.
Abutting residentially zoned land	20 feet depth. This depth may be reduced, if fences, walls, berms or other screening devices are used.	
Between non-residentially zoned land.	10-foot width along the length of the side lot line between the separate uses (five feet on each property sharing the common lot line)	The minimum bufferyard may be waived in the event of shared access, or driveways between uses.

Bulk Regulations Table BR District

Important. The notes at the end of the table are as much a part of the law as the table itself.

Permitted uses, special exception uses, and uses subject to specific standards	Lot Area (minimum, sq. ft.)	Lot width (minimum, feet)	Yards (minimum) ¹				Height	Living Space (minimum gross sq. ft.)
			Front (ft)	Interi or Side (ft)	Corner Side (ft)	Rear (ft)		
All uses unless otherwise specified	520	15	<p>1. The front facade of each building in the BR district shall maintain the established front yard of the block on which it is located. Where there is no established front yard, the front facade of each such building shall be set back not more than 15 feet from the face of the curb².</p> <p>2. Where a lot line abuts a residential zoning district, the abutting BR district lot shall have a minimum bufferyard of 15 feet in width. This bufferyard requirement shall not apply to the adaptive reuse of an existing structure provided that:</p> <p style="margin-left: 40px;">a. Alterations to the existing structure do not cause any greater encroachment into the required yard than existed before the alterations; and</p> <p style="margin-left: 40px;">b. The floor area of the structure resulting from the alterations is no greater than twice the floor area existing before the alterations.</p> <p>3. Notwithstanding the provisions of Section 21.60.090, no obstruction (as defined by Section 21.60.090) may be located in a required yard, other than the required planting or screening.</p>				3 stories not to exceed 35 feet	
Dwellings above the ground floor of non residential uses							Efficiency apartment: 300 One bedroom apartment: 450 Two-bedroom apartment: 600 Each additional bedroom: 150	

Table Notes

¹ The yard and setback requirements may be modified or waived by the of Planning and Zoning Director pursuant to the procedures set forth in Chapter 21.18 of this Zoning Code

² The setback shall be measured to the principal elements of the front facade at its closest point to the curb.

Bulk Regulations Table C2 District

Important. The notes at the end of the table are as much a part of the law as the table itself.

Permitted uses, special exception uses, and uses subject to specific standards	Lot Area (minimum, sq. ft.)	Lot width (minimum, feet)	Yards (minimum)				Height	Living Space (minimum gross sq. ft.)
			Front (ft)	Interior Side (ft)	Corner Side (ft)	Rear (ft)		
All uses unless otherwise specified	1,500	20	¹	0	²	30	45 feet ³	
Dwellings above the ground floor of non-residential uses	No additional lot area requirement							Efficiency apartment: 300 ⁴ One bedroom apartment: 450 ⁴ Two-bedroom apartment: 600 ⁴ Each additional bedroom: 150 ⁴

Table Notes

¹ Front yards are not required, except in the case of an established front yard pursuant to Chapter 21.38.

² Corner side yards are not required, except in the case where there is an established front yard in the remainder of the block. In those cases, the corner side yard shall be provided in accordance with the established-front-yard regulations pursuant to Section Chapter 21.38.

³ In the historic district, special height measurement and limits requirements apply, see Chapter 21.56.

⁴ The minimum space requirements may not be reduced by a variance from the Board of Appeals.

Bulk Regulations Table C2A District

Important. The notes at the end of the table are as much a part of the law as the table itself.

Permitted uses, special exception uses, and uses subject to specific standards	Lot Area (minimum) (sq. ft.)	Lot width (minimum, feet)	Yards (minimum)				Height	Living Space (minimum gross sq. ft.)
			Front (ft)	Interior Side (ft)	Corner Side (ft)	Rear (ft)		
All uses unless otherwise specified	1,500	20	¹	0	²	30	See Chapter 21.56 (Historic District)	
Dwellings above the ground floor of non-residential uses								Efficiency apartment: 300 ³ One bedroom apartment: 450 ³ Two-bedroom apartment: 600 ³ Each additional bedroom: 150 ³

Table Notes

¹ Front yards are not required, except in the case of an established front yard pursuant to Chapter 21.38.

² Corner side yards are not required, except in the case where there is an established front yard in the remainder of the block. In those cases, the corner side yard shall be provided in accordance with the established-front-yard regulations pursuant to Chapter 21.38.

³ The minimum space requirements cannot be reduced by a variance from the Board of Appeals.

Bulk Regulations Table PM2 District

Important. The notes at the end of the table are as much a part of the law as the table itself.

Permitted uses, special exception uses, and uses subject to specific standards	Lot Dimensions (minimum)		Yards (minimum)					Open Space (minimum landscaped area)	Lot coverage (maximum)	Floor Area Ratio (maximum)	Height (maximum, stories and feet)
	Area (sq. ft. or acres)	Width (ft)	Front (ft)	Interior or Side (ft)	Corner Side (ft)	Rear (ft)	Bufferyard				
Dwellings, multi-family	3,600 per dwelling unit	50	20 ³	5 ⁴	15 ²	30	1. Adjacent to roads designated minor arterial or major arterial in the Comprehensive Plan: 50 foot landscaped bufferyard adjacent to parking or parking circulation areas. 2. Adjacent to other roads: 20 foot landscaped bufferyard.	15 percent of lot area			
Dwellings, single-family attached	3,600	16	20 ³		15 ²	30					
Dwellings, single-family detached	3,600	25	25	5	15	30					
Dwellings, two-family	7,200	16	20 ³	5 ⁴	15 ²	30					
Business uses	3 acres ¹		40 ⁵	25 ⁵	30 ⁵	30 ⁵		33 percent of lot area	0.6; 0.25 for neighborhood convenience shopping uses	1. In areas adjacent to R1 and R2 districts: 2.5 stories not to exceed 35 feet. 2. In areas adjacent to all other districts: four stories not to exceed 48 feet.	
Offices, business and professional	3 acres ¹	250	40 ⁵	25 ⁵	30 ⁵	30 ⁵					0.6
Offices, nonprofit, educational, cultural, or civic	6,000	50	40 ⁵	25 ⁵	30 ⁵	30 ⁵					0.6
Educational and cultural institutions	20,000	90	40 ⁵	25 ⁵	30 ⁵	30 ⁵					0.6
Religious institutions	20,000	90	40 ⁵	25 ⁵	30 ⁵	30 ⁵	0.6				

Table Notes

¹ Separate parcels created and approved within a larger office or commercial development may be a minimum of 10,000 square feet.

² Buildings 50 feet or more in overall width, as projected upon the front lot line, shall have corner side yards not less than 25 percent of the building width or 30 percent of the building height, whichever is greater.

³ Plus one foot for each three feet by which the building width exceeds 40 feet.

⁴ Unless the building height exceeds 25 feet, in which case the interior side yards shall equal one-fifth the building height. Buildings 50 feet or more in overall width, as projected upon the front lot line, shall have side yards not less than ten percent of the building width or 20 percent of the building height, whichever is greater.

⁵ Transitional yards between nonresidential uses and residential districts may be required as set forth in the following table. Where transitional yards are provided they replace the yard requirements in the bulk regulations table.

Situation	Required transitional yard (feet)	Additional requirements
Front yard coincides with an adjacent residential district	50	1. Transitional yards shall serve as a buffer and shall not be used for structures, utilities, storm and sanitary sewers, water lines, stormwater management, or signage. A waiver to this requirement may be granted by the Directors of Planning and Zoning and Public Works for access roads, parking or required utilities for good cause, provided that the disturbance to the buffer is minimized. 2. Transitional yards shall be buffered appropriately using densely planted vegetation designed to provide year-round cover. A fence or wall may be used in conjunction with plant material.
Interior side lot line coincides with a lot line in an adjacent residential district	30	
Corner side yard coincides with an adjacent residential district,	20	
Rear yard coincides with a lot line in a residential district.	30	

Bulk Regulations Table PM2 District

Important. The notes at the end of the table are as much a part of the law as the table itself.

Situation	Required transitional yard (feet)	Additional requirements
<p>Uses permitted as a principal use in districts that do not adjoin (along non-street frontage) property zoned R1, R1A, R1B or R2. These uses are identified on the Table of Uses for Commercial and Industrial Zoning Districts, Chapter 21.48.</p>	<ol style="list-style-type: none"> 1. Buildings shall have a minimum separation from any residential structures of 60 feet plus an additional two feet for every one foot of building height in excess of 24 feet. 2. Parking areas shall have a minimum 24-foot buffer from adjacent residential properties. 	

Bulk Regulations Table I1 District

Important. The notes at the end of the table are as much a part of the law as the table itself.

	Yards (minimum)				Floor Area Ratio (maximum)
	Front (ft)	Interi or Side (ft)	Corner Side adjacent to public street (ft)	Rear (ft)	
Permitted uses, special exception uses, and uses subject to specific standards ¹ .	25 ¹	15 ²	25 ²	0 ¹	1.2

Table Notes

- ¹ Accessory buildings that are attached to principal buildings must comply with the yard requirements of the principal building.
- ² In addition to required yards, transitional yards are required as set forth in the following table. Screening such as with a wall, fence or densely planted compact plantings may be required, as determined through the site design plan review process.

Situation	Required transitional yard
Side or rear lot line coincides with a side or rear lot line in an adjacent residence or business district	45 feet depth along side or rear lot line
Electrical substations adjacent to lots with residential zoning and use	50-feet, plus one foot for each two feet by which a building or structure exceeds 15 feet.

Bulk Regulations Table P District

Important. The notes at the end of the table are as much a part of the law as the table itself.

Permitted uses, special exception uses, and uses subject to specific standards	Density (minimum sq. ft. lot area per dwelling unit)	Lot Dimensions (minimum)		Yards (minimum)				Height, Floor Area Ratio (maximum) ¹
		Area (sq. ft. or acres)	Width (ft)	Front (ft) ⁸	Interior Side (ft)	Corner Side (ft)	Rear (ft)	
Clubs, recreational and social		5,400	50	25 ³	10	20	30	1.8
Day care centers, group		5,400	50	25	6	15	30	2.4
Dwellings, multifamily	1 bedroom: 1,400 ² 2 or more bedrooms: 1,800 ²		50	20 ³	5 ⁴	15	30	2.4
Dwellings, single-family attached	3,600 ²		16	20 ³	5 ⁴	15	30	2.4
Dwellings, single-family detached	3,600 ²		50	20 ³	5 ⁴	15	30	
Dwellings, two-family	3,600 ²		50 ¹⁰	20 ³	5 ⁴	15	30	
Educational institutions		20,000	90	25 ³	10	20	30	1.8
Governmental uses				⁹				
Group homes		3,600 ²	50					2.4
Health and medical institutions		10,000	70	25 ³	10 ⁵	20	35	1.8
Offices, business and professional, and nonprofit, educational, cultural, or civic			40	15 ³	10 ^{4,6}	10	30	2.4 ⁷
Planned developments		20,000	Bulk regulations shall be determined through the planned development, process, pursuant to Chapter s 21.24.					
Religious institutions		10,000	70	25 ³	10 ⁵	20	35	1.8
Undertaking establishments and funeral parlors		Requirements shall be determined through the special exception and site plan design review process						2.0
Other uses		Bulk regulations shall be determined through the site design plan review, or special exception processes, pursuant to Chapters 21.22, and 21.26.						

Table Notes

¹ In the historic district, special height measurement and limits requirements apply, see Chapter 21.56.

² The minimum total zoning lot area is 5,400 square feet.

³ Plus one foot for each three feet by which the building width exceeds 40 feet.

⁴ Unless the building height exceeds 25 feet, in which case the interior side yards shall equal one-fifth the building height. Buildings 50 feet or more in overall width, as projected upon the front lot line, shall have side yards not less than ten percent of the building width or 20 percent of the building height, whichever is greater.

⁵ Plus one foot for each two feet by which the building height exceeds 15 feet.

⁶ Subject to Table Note 4, one interior side yard may be less than 10 feet, provided the sum of both side yards is at least 10 feet.

⁷ If 75 percent or more of the required off-street parking spaces are provided underground or in a structure, the maximum allowable floor area ratio is 3.0.

⁸ The front yard for principal uses shall be the minimum specified in the table or the established front yard pursuant to pursuant to Chapter 21.38.

⁹ As specified by the decision-making body or official through the zoning decision-making process set forth in Division II, Administration.

¹⁰ If the lot is to be subdivided, a minimum lot width of 30 feet per dwelling unit shall be provided.

Bulk Regulations Table PM District

Important. The notes at the end of the table are as much a part of the law as the table itself.

Permitted uses, special exception uses, and uses subject to specific standards	Density (minimum sq. ft. lot area per dwelling unit)	Lot Dimensions (minimum)		Yards (minimum)				Floor Area Ratio (maximum)	Height (maximum, stories and feet)
		Area (sq. ft. or acres)	Width (ft)	Front (ft)	Interior Side (ft)	Corner Side (ft)	Rear (ft)		
Business establishment			65	See table notes			30	0.75	1. Buildings with dormerless roofs with straight rafters pitched more than 20 degrees shall have a maximum cornice line of 28 feet in height and a ridgeline of 38 feet in height. ³ 2. All other buildings: three stories not to exceed 35 feet.
Clubs, recreational and social		5,400	50		30	0.75			
Day care centers, group		5,400	50		30	0.75			
Dwellings, multifamily	1,800		50		30	0.75			
Dwellings, single family attached		3,600	16		30	0.75			
Dwellings, single family detached		3,600	50		30	0.75			
Dwellings, two-family		3,600	50 ¹		30	0.75			
Educational institutions		20,000	90		30	0.75			
Governmental uses		2			30	0.75			
Group homes	3,600		50		30	0.75			
Offices, business and professional, and nonprofit, educational, cultural, or civic			65		30	0.75			
Planned developments		10,000	65		30	0.75			
Religious institutions		10,000	50		30	0.75			

Table Notes

¹ If the lot is to be subdivided, a minimum lot width of 25 feet per dwelling unit shall be provided.

² As specified by the decision-making body or official through the zoning decision-making process set forth in Division II, Administration.

³ Pursuant to the procedures set forth in Chapter 21.18 of this Zoning Code, the Planning and Zoning Director may permit an extension of the maximum ridgeline to 45 feet upon findings that this would achieve a roof slope more compatible with adjacent structures and character. In no case shall the structure be more than three stories in height.

Front yard requirements

1. The required front yard is the greater of 20 feet or the average setback of all structures located on parcels on the same block which lie within 300 feet of either side of the property. If four or more lots are available for computation, the largest and smallest setbacks may be excluded (but not one or the other).
2. Buildings 50 feet or more in width:
 - a. At least 33 percent of the building facade shall be set back 35 feet from the front property line or 15 feet from the average setback line, whichever is greater.
 - b. When located on more than one lot of record, the building facade shall reflect the scale and massing of the property as would occur if the lots were developed individually.
3. Pursuant to the administrative adjustment procedures set forth in Chapter 21.18 of this Zoning Code, the Planning and Zoning Director may allow the front yard setback to be established by drawing a straight line between existing buildings on both sides of the new building.

Interior side yard requirements

1. Buildings two stories or less: 10 foot side yard. Buildings over two stories: 15 foot side yard.
2. For buildings 50 feet or more in width:
 - a. Shall provide an additional one foot of side yard for each three feet the building width exceeds fifty feet, and
 - b. At least 33 percent of the side building facade shall be set back an additional ten feet from the side property line.

Corner side yard requirements

1. The required corner side yard is the greater of:
 - a. Buildings two stories or less: 10 feet; buildings over two stories: 15 feet, or
 - b. For buildings 50 feet or more in width: a minimum 25 percent of the lot width.
2. For buildings 50 feet or more in width:
 - a. At least 33 percent of the corner side building facade shall be set back an additional ten feet from the corner side property line, and

Bulk Regulations Table PM District

Important. The notes at the end of the table are as much a part of the law as the table itself.

b. When located on more than one lot of record, the building facade shall reflect the scale and massing of the property as would occur if the lots were developed individually.

Transitional Yard Requirements

In addition to required yards, in the following cases transitional yards are required as set forth in the following table:

1. When a PM zoned parcel lies adjacent to a parcel which is zoned predominantly for residential use (60 percent or more of the adjacent parcel is zoned for residential use), and
2. On parcels which are split zoned. In this case 50 percent of the transitional yard requirement may be provided within the residentially zoned portion of the parcel.

Situation	Required transitional yard	Additional requirements
Front yard coincides with an adjacent residential district.	Same front yard as is required in the adjacent residential district.	1. Transitional yards may not be paved or used for parking or driveways. 2. Screening such as with a wall, fence or densely planted compact plantings may be required, as determined through the site plan design review process.
Interior side lot line coincides with either a side or rear lot line in an adjacent residential district.	15-foot side yard	
Corner side yard coincides with an adjacent residential district	15-foot corner side yard	
Rear yard coincides with either the side or rear lot line in an adjacent residential district	30-foot rear yard	

Bulk Regulations Table MX District

Important. The notes at the end of the table are as much a part of the law as the table itself.

	Lot Dimensions (minimum)		Required Yard or Setback (minimum, feet)	Floor Area Ratio (maximum) ³	Height (maximum, feet) ⁵	Location of front facade	Open Space (percent of zoning lot area) ⁷	Living Space (minimum gross sq. ft.)	
	Area (sq. ft. or acres)	Width (ft)							
Permitted uses, special exception uses, and uses subject to specific standards	5,400	50	1. Lot line adjoining a residential zoning district:	15 ^{1,2}	1.75, or 2.25 for the following structures: 1. Any structure with 25 percent or more of its floor area devoted to commercial uses, or residential uses, or a combination of commercial and residential uses, or 2. Any structure with the entire ground level front facade devoted to commercial uses ⁴ .	1. Structures located within 30 feet of a residence in a residential zoning district: 35 feet. 2. All other structures: 65 feet, subject to requirements in the historic district and design standards for the MX district.	The front facade of each building shall maintain the established setback of the block on which it is located. Where there is no established setback, the front facade of each such building shall be set back not more than 15 feet from the face of the curb ⁶ .	Lots 40,000 to 100,000 sf: 10 percent. Lots over 100,000 sf: 30 percent.	For dwellings above the ground floor of non residential uses: Efficiency apartment: 300 One bedroom apartment: 450 Two-bedroom apartment: 600 Each additional bedroom: 150
			2. Any portion of a structure over 35 feet in height:	15 plus 10 feet for each 10 feet of height above 35 feet ^{1,2}					
			3. Portions of a structure over 46 feet in height that are not stepped back as provided for above in 2	50 ^{1,2}					
			4. All other yards:	As determined through the zoning decision-making process set forth in Division II, Administration.					

Table Notes

¹ This yard is a transitional yard; planting or screening such as with a wall, fence or densely planted compact plantings may be required, as determined through the site plan design review process. Notwithstanding the provisions of Section 21.60.090, no obstruction (as defined by Section 21.60.090) may be located in a required yard, other than the required planting or screening.

² The yard and setback requirements do not apply to the adaptive reuse of an existing structure provided that:

1. Alterations to the existing structure do not cause any greater encroachment into the required yard than existed before the alterations; and
2. The floor area of the structure resulting from the alterations is no greater than twice the floor area existing before the alterations.

³ The FAR limitations do not apply to the rehabilitation of an existing structure. As used in this subsection, "rehabilitation" is limited to the remodeling, renovation, alteration or reconstruction of an interior of the existing structure without any change in the bulk of the structure and without any remodeling, renovation, alteration or reconstruction of the structure's exterior, excepting minor cosmetic repairs and routine maintenance.

⁴ The commercial use space shall have a minimum height of 12 feet and a minimum depth of 25 feet. Non-commercial uses that may be included in this facade are limited to : i. one driveway, up to 33 feet wide, required for access to parking; ii) space required for a lobby; and iii) space required for access to upper floor uses.

⁵ In the historic district, special height measurement and limits requirements apply, see Chapter 21.56.

Bulk Regulations Table MX District

Important. The notes at the end of the table are as much a part of the law as the table itself.

⁶The setback is measured to the principal elements of the front facade at its closest point to the curb.

⁷ Open space must be permanently dedicated to use in common.

Bulk Regulations Table C2P District

Important. The notes at the end of the table are as much a part of the law as the table itself.

Permitted uses, special exception uses, and uses subject to specific standards	Lot Area (minimum) (sq. ft.)	Lot width (minimum, feet)	Yards (minimum)				Height	Living Space (minimum gross sq. ft.)
			Front (ft)	Interior Side (ft)	Corner Side (ft)	Rear (ft)		
All uses unless otherwise specified	1,500	20	1	0	2	30	See Chapter 21.56 (Historic District)	
Dwellings above the ground floor of non residential uses	No additional lot area requirement							Efficiency apartment: 300 One bedroom apartment: 450 Two-bedroom apartment: 600 Each additional bedroom: 150

Table Notes

¹ Front yards are not required, except in the case of an established front yard pursuant to Chapter 21.38.

² Corner side yards are not required, except in the case where there is an established front yard in the remainder of the block. In those cases, the corner side yard shall be provided in accordance with the established-front-yard regulations pursuant to Chapter 21.38.

Bulk Regulations Table WMC District

Important. The notes at the end of the table are as much a part of the law as the table itself.

	Lot Dimensions (minimum)			Yards (minimum)					Coverage, Height, Floor Area Ratio (maximum)			Location where a street right-of-way terminates at a waterway
	Area (sq. ft.)	Width (ft)	Depth (ft)	Front (ft)	Front building line setback	Interior Side (ft)	Corner Side (minimum depth)	Rear (ft)	Coverage	Height	Floor Area Ratio	
Permitted uses, special exception uses, and uses subject to specific standards	5,000	50	100	0	12 feet from edge of curb.	0, or five feet where a yard is provided.	Equal to the front building line setback.	1. Lots with no waterway frontage: 15 feet. 2. Lots with waterway frontage: 12 feet, measured parallel to the shoreline ¹ .	50 percent ² .	1. 2.5 stories not to exceed 22 feet at the cornice line, and 32 feet at the ridge line. ⁴ 2. No structure may intrude on the sky exposure plane ³ .	1.0	No buildings or structures are permitted within a setback defined by the prolongation of a line defined by the southwest side of the right-of-way of Main Street and extending to the waterway.

Table Notes

¹ No buildings or structures are permitted in this yard, except structures associated with the public pedestrian walkway provided in accordance with Section 21.46.040.

² For lots with waterway frontage, unless a public pedestrian walkway is constructed, a minimum 25 percent of the lot must be unobstructed to provide views of the waterway from the street. If a walkway is constructed, a minimum 15 percent of the lot must be unobstructed. Standards for walkways are set forth in Chapter 21.62.

³ The sky exposure plane is measured from a height of 22 feet above the building line and rises over a slope of one foot of horizontal distance for every one foot of vertical distance.

⁴ In the historic district, special height measurement and limits requirements apply, see Chapter 21.56.

Bulk Regulations Table WMM District

Important. The notes at the end of the table are as much a part of the law as the table itself.

	Lot Dimensions (minimum)			Yards (minimum)					Coverage, Height, Floor Area Ratio (maximum)				Location
	Area (sq. ft.)	Width (ft)	Depth (ft)	Front (ft)	Interi or Side (ft)	Corner Side (ft)	Rear (ft)	Waterway	Coverage	Height	Floor Area Ratio	Open Space Ratio	
Permitted uses, special exception uses, and uses subject to specific standards	10,000	100	100	10	0, or five feet where a yard is provided ²	10 ²	Lots with no waterway frontage: 15 feet, measured parallel to the rear lot line ² .	Lots with waterway frontage: 30 feet, measured parallel to the shoreline ¹ .	50 percent	3.5 stories. See table notes for additional height requirements.	1.0, or 1.35 ³	0.4. See table notes for requirements.	Uses may be subject to a 100-foot maritime use setback ⁴ .

Table Notes

- ¹ No buildings, structures, or parking, including accessory buildings or structures are permitted in this yard.
- ² A transitional yard, minimum depth of 15 feet, is required where a side or rear lot line adjoins a residential district or use. Effective landscaping or screening must be provided as determined through the site plan design review process.
- ³ The maximum FAR may be increased from 1.0 to 1.35 for a development in which no special exceptions permitted in the WMM district are located a distance of 250 feet or less from the shoreline. Once this increase is taken, no uses other than principal permitted uses shall be established at a distance less than 250 feet from the shoreline.
- ⁴ See Section 21.46.020 for the 100-foot maritime use setback requirements.

Additional height requirements:

Building or structure distance from Severn Avenue	Height (maximum)	Required sky exposure plane
50 feet or less	2.5 stories not to exceed 28 feet, measured at the highest point of the structure from the existing grade along Severn Avenue.	Measured from a height of 22 feet above the yard setback from Severn Avenue and rising over a slope of three feet of horizontal distance for every two feet of vertical distance.
50 to 65 feet	Per the required sky exposure plane.	Measured from a height of 28 feet above a 50-foot setback line from Severn Avenue and rising over a slope of three feet of horizontal distance for every two feet of vertical distance
Over 65 feet	<ul style="list-style-type: none"> i) Structures used solely for the construction, maintenance and repair of watercraft: 45 feet ii) All other structures: 3.5 stories not to exceed 38 feet, measured along all facades. iii) Pursuant to the procedures set forth in Chapter 21.18 of this Zoning Code, the Planning and Zoning Director may permit an extension of the maximum ridgeline in preceding subsection ii) to 45 feet upon findings that this would achieve a roof slope more compatible with adjacent structures and character. 	Measured from a height of 28 feet above any yard setback and rising over a slope of three feet horizontal distance for every two-feet of vertical distance.

Bulk Regulations Table WMM District

Important. The notes at the end of the table are as much a part of the law as the table itself.

Open Space Ratio Requirements

1. For the purpose of these open space ratio requirements, open space ratio is defined as the area of open space divided by the total area of the lot where the open space is provided. Open space may include any area not covered by a structure and may include open air boat storage and parking areas. Required yards, with the exception of the rear and waterway yards, may not be used in the calculation of the open space ratio.
2. The design of the open space shall:
 - a. Be sensitive to the physical characteristics of the lot, adjoining lots and the requirements of the maritime industry.
 - b. Exhibit best management practices for water dependent facilities plan under critical areas criteria.
 - c. The maximum dimension of the open space provided shall open onto the waterway frontage.
 - d. Open space shall be maintained free from buildings and structures except for temporary structures erected for up to 30 days to pursue activities essential to on-land boat storage, boat repair and maintenance and marine fabrication uses and for temporary festivals.
 - e. Open space may not be separately developed.
 - f. Although parking may be counted as open space, every effort shall be made to entirely remove it from the 100-foot waterfront setback in new construction.

Bulk Regulations Table WMI District

Important. The notes at the end of the table are as much a part of the law as the table itself.

	Lot Dimensions (minimum)			Yards (minimum)					Coverage, Height, Floor Area Ratio (maximum)			Location
	Area (sq. ft.)	Width (ft)	Depth (ft)	Front (ft)	Interi or Side (ft)	Corner Side (Adjacent to a public street, ft)	Rear (ft)	Waterway	Coverage	Height	Floor Area Ratio	
Permitted uses, special exception uses, and uses subject to specific standards	10,000	100	100	15	15 ²	15 ²	Lots with no waterway frontage: 30 feet along each rear lot line ²	Lots with waterway frontage: 30 feet, measured parallel to the shoreline ¹ .	40 percent, exclusive of on-land boat storage	1. Boat repair and maintenance and marine fabrication structures: 3.5 stories not to exceed 45 feet. 2. All other structures: 3 stories not to exceed 38 feet.	1.0	Uses may be subject to a 100-foot maritime use setback ³ .

Table Notes

¹ No buildings, structures, or parking, including accessory buildings or structures are permitted in this yard.

² A transitional yard, minimum depth of 15 feet, is required where a side or rear lot line adjoins a residential district or use. Effective landscaping or screening must be provided as determined through the site plan design review process.

³ See Section 21.46.030 for the 100-foot maritime use setback requirements..

See Chapter 21.64 for standards for dry rack storage facilities.

Bulk Regulations Table WME District

Important. The notes at the end of the table are as much a part of the law as the table itself.

	Lot Dimensions (minimum)			Yards (minimum)					Coverage, Height, Floor Area Ratio (maximum)		
	Area (sq. ft.)	Width (ft)	Depth (ft)	Front (ft)	Interi or Side (ft)	Corner Side (Adjacent to a public street, ft)	Rear (ft)	Waterway	Coverage	Height	Floor Area Ratio
Permitted uses, special exception uses, and uses subject to specific standards	10,000 ¹	100	0	15	10	15	Lots with no waterway frontage: 30 feet along each rear lot line.	Lots with waterway frontage: 30 feet, measured parallel to the shoreline ² .	40 percent.	1. Boat repair and maintenance and marine fabrication structures: 3.5 stories not to exceed 45 feet. 2. All other structures: three stories not to exceed 38 feet. 3. No structure may intrude on the sky exposure plane ³ .	1.0

Table Notes

¹ Residential structures lawfully existing on August 24, 1987 may be subdivided provided no additional residential building lots or units are created and the lots meet the requirements of the R4 district.

² No buildings, structures, or parking, including accessory buildings or structures are permitted in this yard except for water-dependent structures.

³ The sky exposure plane is measured from a height of 28 feet above the yard setback lines and rises over a slope of one foot of horizontal distance for every one foot of vertical distance.

DIVISION IV OVERLAY DISTRICT REGULATIONS

DIVISION IV OVERLAY DISTRICT REGULATIONSIV-1

 Chapter 21.52 Introductory ProvisionsIV-2

 Chapter 21.54 Critical Area OverlayIV-3

 Chapter 21.56 Historic District.....IV-20

 Article I. Approval of Exterior Changes.....IV-21

 Article II. Height and Bulk Limits.....IV-29

 Chapter 21.58 OCD Office and Commercial Design Overlay DistrictIV-33

 Editorial Comments to Division IVIV-36

Chapter 21.52 Introductory Provisions

Sections:

21.52.010 Purpose and applicability

21.52.010 Purpose and applicability

- A. The provisions of the overlay districts in this Division supplement the underlying zoning district regulations in order to support the purposes of each overlay district.
- B. The provisions of the overlay districts apply to all land designated by the overlay or overlays on the City of Annapolis Zoning District Map.
- C. The provisions of the overlay district shall control in the event of conflict with any underlying zoning district regulation.

Chapter 21.54 Critical Area Overlay

Sections:

21.54.010	Purpose
21.54.020	Map
21.54.030	Enforcement
21.54.040	Applicability
21.54.050	Definitions
21.54.060	Development requirements generally
21.54.065	Buffer exemption areas
21.54.070	Subdivision in Buffer Exemption Areas
21.54.080	Development requirements--Intensely developed areas
21.54.090	Development requirements--Limited development areas
21.54.100	Development requirements--Resource conservation areas
21.54.110	Water-dependent facilities
21.54.120	Habitat protection
21.54.130	Site design plan review
21.54.140	Change of area designation
21.54.150	Grandfathering provisions
21.54.160	Variances
21.54.170	Administrative variances
21.54.180	Variances in conjunction with subdivisions
21.54.190	Appeals

21.54.010 Purpose

The purpose of the critical area overlay district is to foster more sensitive development activity for certain shoreline areas so as to minimize damage to water quality and natural habitats. This district is consistent with and supports the state critical area law and critical area criteria as well as the city of Annapolis critical area program.

21.54.020 Map

The location and boundaries of the critical area overlay district and the included boundaries of the intensely developed areas, limited development areas, resource conservation areas, and buffer exempt areas are set forth on the zoning map entitled "City of Annapolis Critical Area Map" which is incorporated in this section and made a part of this Zoning Code. The map, together with everything shown on the map and all amendments to the map, is as much a part of this Code as though fully set forth and described in this Code.

21.54.030 Enforcement

- A. No permit shall be issued for any use of land unless the Planning and Zoning Director, with the concurrence of the Director of Neighborhood and Environmental Programs finds that the use conforms to the requirements of this chapter.
- B. The Planning and Zoning Director and the Director of Neighborhood and Environmental Programs shall have the authority to enforce this chapter as provided in the various sections herein.

21.54.040 Applicability

The critical area overlay district is an overlay district. As such, the provisions in this section shall serve as a supplement to the underlying zoning district regulations. The uses, minimum lot requirements, minimum yard requirements, maximum height, accessory uses, signs and parking requirements shall be determined by the regulations applicable to the district or districts over which the critical area district is superimposed. Where a conflict exists between the provisions of this chapter and those of any underlying zoning district, the more restrictive provisions shall apply.

21.54.050 Definitions

- A. The following definitions shall be used in the interpretation and administration of the city of Annapolis critical area program:
1. "Afforestation" means the establishment of a tree crop on an area from which it has always or very long been absent, or the planting of open areas which are not presently in forest cover.
 2. "Buffer" means a naturally vegetated area or vegetated area established or managed to protect aquatic, wetland, shoreline, and terrestrial environments from manmade disturbances. This is the area which is a minimum one hundred feet landward from the mean high water line of tidal waters, tributary streams and tidal wetlands.
 3. "Cluster development" means a residential development in which dwelling units are concentrated in a selected area or selected areas of the development tract so as to provide natural habitat or other open space uses on the remainder.
 4. "Community piers" means boat docking facilities associated with subdivisions and similar residential areas, and with condominium apartment, and other multiple-family dwelling units.
 5. "Conservation easement" means a non-possessing interest in land which restricts the manner in which the land may be developed in an effort to reserve natural resources for future use.
 6. "Critical area" means all lands and waters defined in Section 8-1807 of the Natural Resources Article, Annotated Code of Maryland. They include:
 - a. All waters of and lands under the Chesapeake Bay and its tributaries to the head of tide as indicated on the state wetlands maps, and all state and private wetlands designated under Title 9 of the Natural Resources Article, Annotated Code of Maryland (or its successors);
 - b. All land and water areas within one thousand feet beyond the landward boundaries of state or private wetlands and the heads of tides designated under Title 9 of the Natural Resources Article, Annotated Code of Maryland (or its successors); and
 - c. Modifications to these areas through inclusions or exclusions proposed by the city of Annapolis and approved by the Critical Area Commission as specified in Section 8-1807 of the Natural Resources Article, Annotated Code of Maryland (or its successors).

7. "Density" means the number of dwelling units per acre within a defined and measurable area.
8. "Developed woodlands" means those areas of one acre or more in size which predominantly contain trees and natural vegetation and which also include residential, commercial or industrial structures and uses. Within the city of Annapolis, developed woodlands are further defined as those areas where greater than half of the area extent consists of a recognizable canopy of mature species typical of a climax stage of forest succession.
9. "Development activities" means the construction or alteration of residential, commercial, industrial, institutional or transportation facilities or structures.
10. "Forests" means biological communities dominated by trees and other woody plants covering a land area of one acre or more. Within the city of Annapolis, forests exist as isolated, undeveloped tracts dominated by mixed deciduous and coniferous species generally at climax stage. Undeveloped drainage areas and steep slopes dominated by a variety of trees and other woody plants at various successional stages are also considered forests.
11. "Impervious surface" means those areas which do not have a vegetative cover with a natural soil substrate or a stormwater management reservoir.
12. "Intensely developed areas" means those areas where residential, commercial, institutional and/or industrial developed land uses predominate, and where relatively little natural habitat occurs.
13. "Land-disturbing activity" means those activities that involve land surface and/or subgrade that are altered from existing conditions and that are regulated under Titles 14, 15, 17, 19, 20 and 21 of the city code.
14. "Limited development areas" means those areas which are currently developed in low-intensity or moderate-intensity uses. They also contain areas of natural plant and animal habitats.
15. "Marina" means any facility for the mooring, berthing, storing or securing of watercraft, but not including community piers and other noncommercial boat docking and storage facilities.
16. "Mean high water line" means the average level of high tides at a given location.
17. "Natural features" means components and processes present in or produced by nature, including but not limited to soil types, geology, slopes, vegetation, surface water, drainage patterns, aquifers, recharge areas, climate, floodplains, aquatic life and wildlife.
18. "Natural parks" means areas of natural habitat that provide opportunities for those recreational activities that are compatible with the maintenance of natural conditions.
19. "Natural vegetation" means those plant communities that develop in the absence of human activities.
20. "Nature-dominated" means a condition where landforms or biological communities, or both, have developed by natural processes in the absence of human intervention.

21. "Nontidal wetlands" means those lands in the critical area excluding tidal wetlands regulated under Title 16 of the Environment Article, Annotated Code of Maryland (or its successors), where the water table is usually at or near the surface, or lands where the soil or substrate is covered by shallow water at some time during the growing season, and which are usually characterized by one or both of the following:
 - a. At least periodically, the lands support predominantly hydrophytic vegetation; and
 - b. The substrate is predominantly undrained hydric soils. Excluded from this definition are manmade bodies of water whose purpose is to impound water for agriculture, water supply or recreation, or bodies of water which are inadvertently created during the construction process.
22. "Offsets" means structures or actions that compensate for undesirable impacts.
23. "Physiographic features" means the soils, topography, land slope and aspect, and local climate that influence the form and species composition of plant communities.
24. "Plant habitat" means a community of plants commonly identifiable by the composition of its vegetation and its physiographic characteristics.
25. "Project approval" means the approval of development, other than by a federal, state or local government agency, in the critical area by the city of Annapolis. The term includes approval of subdivision plats and site plans; inclusion of areas within floating zones; issuance of variances, special exceptions, and special exception permits; and issuance of grading, building and zoning permits.
26. "Redevelopment" means the expansion, significant rehabilitation or reconstruction or substantial improvement of any structure on a site which has previously been built upon. The construction or structures on previously undeveloped land or land on which structures have been demolished for the purposes of replacement development is not considered redevelopment.
27. "Resource conservation areas" means those areas which are characterized by nature-dominated environments (i.e., wetlands, natural drainage areas for wetlands, forests, developed woodlands).
28. "Riparian habitat" means a habitat that is strongly influenced by water and which occurs adjacent to streams, shorelines and wetlands.
29. "Tributary streams" means those perennial and intermittent streams in the Critical Area which are so noted on the most recent U.S. Geological Survey 7½ minute topographic quadrangle maps (scale 1:24,000) or on more detailed maps or studies at the discretion of the local jurisdictions.
30. "Water-dependent facilities" means:
 - a. those structures or accessory buildings associated with maritime, recreational, educational or fisheries activities that require location at or near the shoreline;
 - b. an activity that cannot exist outside the buffer and is dependent on the water by reason of the intrinsic nature of its operation.

31. "Water-dependent structures (maritime)" means those structures or accessory buildings associated with maritime activities involving seafood industrial, in-water boat storage or marine fabrication use that, in the determination of the director of planning and zoning, require location within one hundred feet of the bulkhead or mean high water line for efficiency of operation.
32. "Wildlife corridor" means a strip of land having vegetation that provides a safe passageway for wildlife.
33. "Wildlife habitat" means those plant communities and physiographic features that provide food, water and cover, nesting, and foraging or feeding conditions necessary to maintain populations of animals in the critical area.

21.54.060 Development requirements generally

- A. Intense development should be directed outside the critical area. If intense development is proposed in the critical area, it shall be directed toward the intensely developed areas.
- B. Proposed low-intensity and moderate-intensity development may be permitted in the limited development areas, but shall be subject to strict regulation to prevent adverse impacts on habitat or water quality.
- C. Development shall be limited in the resource conservation areas, which shall be chiefly designated for habitat protection.
- D. The following new development or redevelopment uses shall not be permitted in the district:
 1. Non-maritime heavy industry;
 2. Transportation facilities and utility transmission facilities, except those necessary to serve permitted uses, or where regional or interstate facilities must cross tidal waters;
 3. Permanent sludge handling, storage and disposal facilities, other than those associated with wastewater treatment facilities;
 4. Solid or hazardous waste collection or disposal facilities; or
 5. Sanitary landfills.
- E. **Buffer**
 1. New development activities, including structures; roads, parking areas and other impervious surfaces; septic systems; accessory uses, including but not limited to swimming pools; and the substantial alteration of existing facilities or structures shall not be permitted in the buffer, except for those necessarily associated with water-dependent facilities.
 2. New construction on recorded lots, under the grandfathering provisions of Section 21.54.150, shall be designed and sited in such a fashion that if the buffer is impacted, the applicant shall obtain a variance in accordance with Section 21.54.160.
 3. The buffer shall be expanded beyond one hundred feet to include contiguous sensitive areas such as steep slopes, hydric soils, or highly erodible soils whose development or

disturbance may impact streams, wetlands, or other aquatic environments. In the case of contiguous slopes of fifteen percent or greater, the buffer shall be expanded four feet for every one percent of slope or to the top of the slope, whichever is greater in extent.

F. **Subdivision Access.**

1. New public streets developed as part of a subdivision and necessary to provide legal access to subdivision lots will be considered as contributing to the impervious surface requirements of this chapter. The Planning and Zoning Director and the Director of Public Works may, however, allow subdivision redesign in order to minimize the amount of subdivision land dedicated to streets.
2. Modifications in road standards may be allowed to reduce potential impacts to the site and critical area resources, where the reduced standards do not significantly affect safety, as determined by the Director of Public Works[CG1].

- G. Trees shall be protected, preserved and replaced pursuant to the requirements of Section 17.09.080E.

21.54.070 Subdivision in Buffer Exemption [CG2]

The state Critical Area Commission policy applies only to lots of record that existed as of December 1, 1985. However, subdivision of grandfathered parcels may be permitted if the subdivision, consolidation, or reconfiguration of the parcels will result in an overall environmental benefit. Applications for subdivision in buffer exempt areas shall be approved by the Critical Area Commission. In no case shall the subdivision and the subsequent redevelopment result in a greater area of impervious surface in the buffer.

- A. The review of the submission shall be based on the State of Maryland Buffer Exempt Area Policy dated April 5, 2000.
- B. All new construction, or enlargement of any structure in the Buffer Exempt Area shall be subject to:
 1. **Posting of Property.** At the time of submissions of plans, notice must be posted for at least 14 days on the property that is the subject of the application in a manner prescribed by the Planning and Zoning Director.
 2. **Public Comment Period.** During the posting period, and for seven days thereafter, the Planning and Zoning Director shall accept comments from the public that are relevant to the proper consideration of the submitted plans.

21.54.080 Development requirements--Intensely developed areas.

- A. **Stormwater management.** Stormwater management technologies shall be required to reduce pollutant loadings by at least ten percent below that of predevelopment levels in accordance with Chapter 17.10.
- B. **Impervious surfaces.** Manmade impervious surfaces shall be limited to the following maximum percentages of the development site[CG3]:

Underlying Zoning	Percent of Manmade
-------------------	--------------------

District	Impervious Surface (maximum)
Residential	50
P, PM, B1, B2, B3	60
C1, C1A,	75
Maritime	80
C2, C2A, C2P	90

- C. **Erosion and sediment control.** Erosion and sediment control measures shall be required in accordance with City Code Chapter 17.08.
- D. **Cluster development.** Cluster development is encouraged, to the extent practicable, to reduce impervious surfaces and maximize areas of natural vegetation.
- E. **Trees.** Cutting and clearing of trees shall occur in accordance with Section 17.09.08 of the City of the Annapolis City Code and with planting guidelines determined by the Department of Neighborhood and Environmental Programs.

F. Habitat Protection Areas.

- 1. Developers shall determine whether there are any habitat protection areas on the project site, or whether development on the site could adversely affect such areas off-site.
- 2. In developing the site, roads, bridges and utilities shall not be located in a habitat protection area, even if the habitat area is outside the buffer, unless it is determined by the city that no feasible alternative exists. Where roads, bridges or utilities must cross such areas, they must be designed, constructed and maintained to protect the habitats, to provide maximum erosion protection, and to maintain hydrologic processes and water quality.
- 3. The developer shall protect any wildlife corridors or habitat protection areas located in forests and developed woodlands.

21.54.090 Development requirements--Limited development areas

A. Habitat Protection Areas

- 1. Developers shall determine whether there are any habitat protection areas on the project site, or whether development on the site could adversely affect such areas off-site.
- 2. In developing the site, roads, bridges and utilities shall not be located in a habitat protection area, even if the habitat area is outside the buffer, unless it is determined by the city that no feasible alternative exists. Where roads, bridges or utilities must cross such areas, they must be designed, constructed and maintained to protect the habitats, to provide maximum erosion protection, and to maintain hydrologic processes and water quality.
- 3. The developer shall protect any wildlife corridors or habitat protection areas located in forests and developed woodlands.

B. Wildlife Corridors

1. If a development site contains a natural area which might be used as a wildlife corridor, and there are such areas adjacent, then a development proposal must incorporate the wildlife corridor into the site design.
2. The developer shall incorporate a wildlife corridor system into the site. The wildlife corridor incorporated into the site should connect the largest undeveloped, or most vegetative tracts of land within and adjacent to the site in order to provide continuity of existing wildlife and plant habitats with off-site habitats.
3. The developer shall grant a conservation easement to the city to ensure that the wildlife corridor is maintained.

C. Forests and Developed Woodlands

1. Forests and developed woodlands are to be maintained in accordance with Section 17.09.080 and within planting guidelines as determined by the Department of Planning and Zoning.
2. Tree replacement and fees in lieu of tree replacement shall be allowed in accordance with the provisions of Section 17.09.070.
3. All forests designated on development plans shall be maintained to the extent practicable, through conservation easements, restrictive covenants, or other protective instruments.
4. The afforested area shall be maintained as forest cover through easements, restrictive covenants, or other protective instruments.

D. Steep slopes. Development is not permitted on slopes greater than fifteen percent unless it can be shown that such development is the only effective way to maintain or improve the stability of the slope, and is consistent with the density, water quality and habitat protection policies for limited development areas.

E. Soils with development constraints. Development is discouraged on soils having development constraints. Development may be allowed by the Department of Public Works if adequate mitigation measures are implemented to address the identified constraints and if the development will not adversely affect water quality or plant, fish and wildlife habitat.

F. Stormwater management. Stormwater management technologies shall be required to minimize adverse water quality impacts caused by stormwater run-off in accordance with Chapter 17.10[CG4].

G. Streams

1. If the project involves development activities which would cross or affect streams, the developer shall identify any such stream in the project area, including those off-site, which might be affected by the project.
2. The developer shall show, as part of the site plan review requirements, that the development will:

- a. Not cause increases in the frequency and severity of floods;
- b. Retain existing tree canopy;
- c. Provide for the retention of the natural substrate for streambeds; and
- d. Minimize adverse impacts to water quality and stormwater run-off.

H. Impervious Surfaces

1. Except as otherwise provided in this section for stormwater runoff, man-made impervious surfaces are limited to 15 percent of a parcel or lot.
2. If a parcel or lot one-half acre or less in size existed on or before December 1, 1985, then man-made impervious surfaces are limited to 25 percent of the parcel or lot.
3. If a parcel or lot greater than one-half acre and less than one acre in size existed on or before December 1, 1985, then man-made impervious surfaces are limited to 15 percent of the parcel or lot.
4. If an individual lot one acre or less in size is part of a subdivision approved after December 1, 1985, then manmade impervious surfaces of the lot may not exceed 25 percent of the lot. However, the total of the impervious surfaces over the entire subdivision may not exceed 15 percent.
5. The City of Annapolis may allow a property owner to exceed the impervious surface limits provided in subsection H.2 and H.3 of this section if the following conditions exist:
 - a. New impervious surfaces on the site have been minimized.
 - b. For a lot or parcel one-half acre or less in size, total impervious surfaces do not exceed impervious surface limits in subsection 2. of this section by more than 25 percent or 500 square feet, whichever is greater;
 - c. For a lot or parcel greater than one-half acre and less than one acre in size, total impervious surfaces do not exceed impervious surface limits in subsection 3. of this section or 5,445 square feet, whichever is greater.
 - d. Water quality impacts associated with runoff from the new impervious surfaces can be and have been minimized through site design considerations or use of best management practices approved by the city to improve water quality;
 - e. The property owner performs on-site mitigation as required by the city to offset potential adverse water quality impacts from the new impervious surfaces, or the property owner pays a fee to the local jurisdiction in lieu of performing the on-site mitigation;
 - f. All fees in lieu collected by the city under Section 21.54.090.C.2. of this section must be used to fund projects that improve water quality within the critical area.
 - g. Cluster development is encouraged, to the extent practicable, to reduce impervious surfaces and maximize areas of natural vegetation.

6. For the purposes of this section, any calculation of area covered by man-made impervious surfaces may exclude an area covered by a gapped wooden deck with pervious surface underneath.

I. **Erosion and Sediment Control.** Erosion and sediment control measures shall be required in accordance with Chapter 17.08.

J. **Cluster Development.** Cluster development is encouraged, to the extent practicable, to reduce impervious surfaces and maximize areas of natural vegetation.

21.54.100 Development requirements--Resource conservation areas.

A. New residential development is permitted if the density of such development does not exceed one dwelling unit per twenty acres.

B. New commercial, industrial and institutional development is not permitted.

C. New development within the resource conservation areas shall conform to the same requirements as those set forth in Section 21.54.090 for limited development areas.

21.54.110 Water-dependent facilities

A. Water-dependent activities

1. New or expanded water-dependent development activities may be permitted in the buffer in intensely developed and limited development areas provided that the applicant shows:

a. That the activity is water-dependent;

b. That the project meets a recognized private right or public need;

c. That adverse effects on water quality, and fish, plant, and wildlife habitat are minimized;

d. That, insofar as possible, non-water-dependent structures or operations associated with water-dependent projects or activities are located outside the buffer; and

e. That the facilities are consistent with an approved local plan; and

f. The above criteria shall not apply to individual private piers installed or maintained by riparian landowners which are not part of a subdivision which provides community piers.

2. In addition to the above criteria, developers of projects that are water-dependent shall prepare a statement showing that the proposed project meets the following requirements:

a. That the activities will not significantly alter existing water circulation patterns or salinity regimes;

b. That the water body upon which these activities are proposed has adequate flushing characteristics in the area;

- c. That disturbance to wetlands, submerged aquatic plant beds, or other areas of important aquatic habitats will be minimized;
- d. That adverse impacts to water quality that may occur as a result of these activities, such as non-point-source runoff sewage discharge from land activities or vessels, or from boat cleaning and maintenance operations, is minimized;
- e. That shellfish beds will not be disturbed or be made subject to discharge that will render them unsuitable for harvesting;
- f. That dredging shall be conducted in a manner, and using a method, which causes the least disturbance to water quality and aquatic and terrestrial habitats in the area immediately surrounding the dredging operation or within the critical area, generally;
- g. That dredged spoil will not be placed within the buffer or elsewhere in that portion of the critical area which has been designated as a habitat protection area except as necessary for:
 - i. Backfill for permitted shore erosion protection measures,
 - ii. Use in approved vegetated shore erosion projects,
 - iii. Placement on previously approved channel maintenance spoil disposal areas, and
 - iv. Beach nourishment; and
- h. That interference with the natural transport of sand will be minimized.

B. Community piers

An applicant for a community pier shall prepare a statement to show the following requirements have been met:

1. The facilities shall be community-owned and established and operated for the benefit of the residents of a platted and recorded riparian subdivision;
2. The facilities are associated with a residential development approved by the city for the critical area and is consistent with all regulations of the city of Annapolis critical area program;
3. Disturbance to the buffer is the minimum necessary to provide a single point of access to the facilities;
4. The facilities shall not offer food, fuel or other goods and services for sale;
5. The number of slips permitted at the facility shall be the lesser of the following:
 - a. One slip for each 50 feet of shoreline in the subdivision in the intensely developed and limited development areas, or
 - b. One slip for each 300 feet of shoreline in the subdivision in the resource conservation area, or

- c. A density of slips to platted lots or dwellings within the subdivision in the critical area according to the following schedule:

Platted Lots or Dwellings in the Critical Area	Slips
Up to 15	1 for each lot
16 to 40	The greater of 15 or 75 percent
41 to 100	The greater of 30 or 50 percent
101 to 300	The greater of 50 or 25 percent
Over 300	The greater of 75 or 15 percent

- 6. When a community pier with slips is provided as part of a new development project, private piers are not permitted for each individual residential lot.

C. Public water-oriented recreation or education areas.

Public water-oriented recreation or education areas will be permitted in the buffer if the provisions above are satisfied, as well as the following requirements:

- 1. Public water-oriented recreation or education areas including, but not limited to, publicly owned boat launching and docking facilities and fishing piers may be permitted in the buffer in intensely developed areas.
- 2. These facilities may be permitted within the buffer in limited development areas and resource conservation areas provided that:
 - a. Adequate sanitary facilities exist;
 - b. Service facilities are, to the extent possible, located outside the buffer;
 - c. Permeable surfaces are used to extent practicable, if no degradation of groundwater would result;
 - d. Disturbance to natural vegetation is minimized; and
 - e. Areas for passive recreation, such as nature study and for education, may be permitted in the buffer within resource conservation areas, if service facilities for these uses are located outside of the buffer.

21.54.120 Habitat protection

Each applicant proposing a land-disturbing activity within the critical area of the city of Annapolis must submit a habitat protection area statement for plant and wildlife that addresses the following:

- A. The applicant for any land-disturbing activity within the city's critical area is required to identify all plant and wildlife habitat areas subject to this program anywhere within the legally divided parcel proposed for development.

- B. If there are plant and wildlife habitat areas within the parcel proposed for development, the applicant will prepare a plant and wildlife habitat statement which indicates the measures to be taken to meet the following requirements, as appropriate:
1. Establish buffer areas for colonial water bird nesting sites so that these sites are protected from the adverse impacts of development activities and from disturbance during the breeding season;
 2. Provide that new water-dependent facilities are so located as to prevent disturbance to sites of significance to wildlife such as historic, aquatic staging and concentration areas for waterfowl;
 3. Provide protection measures, including a buffer area, where appropriate, for other plant and wildlife habitat sites which may in the future be identified by state and federal agencies as important plant or wildlife habitat areas;
 4. Protect and conserve those riparian forests of approximately three hundred feet or more in width required to support forest interior dwelling birds, as determined by methods described in the critical area commission Guidance Paper Number 1, "A Guide to the Conservation of Forest Interior Dwelling Birds in the Critical Area";
 5. To the extent practical, when development activities, or the cutting or clearing of trees, occurs in forested areas, maintain corridors of existing forest or woodland vegetation to provide effective connections between wildlife habitat areas;
 6. Protect those plant and wildlife habitats considered to be of significance by the city of Annapolis;
 7. Protect natural heritage areas from alteration due to development activities or cutting or clearing so that the structure and species composition of the areas are maintained.
- C. If a protected plant or wildlife habitat is not present within a parcel proposed for development, then a statement to that effect from a qualified expert must be submitted to the city.
- D. In preparing the plant and wildlife habitat statement, the applicant is responsible for consulting with the DNR Department of Natural Resources; the Maryland Natural Heritage Program; the U.S. Fish and Wildlife Service; the city of Annapolis; and other relevant public agencies and private organizations for the purpose of assuring compliance with all applicable laws, rules and regulations.

21.54.130 Site design plan review

Site design plan review in accordance with Chapter 21.22 shall be required for all projects located in the critical area overlay district to ensure compliance with this chapter and the city's critical area program.

21.54.140 Change of area designation

- A. Limited development areas may be changed to intensely developed areas, but only under the procedures in this section.
- B. No more than 11 acres of land in the critical area may be changed from limited development area to intensely developed area or from resource conservation area to another classification.

- C. Areas proposed for change must be mapped and must include an analysis of the manner in which the areas designated conform to the locational guidelines specified in subsection E of this section. The developer shall be responsible for preparing this submission for the Department of Planning and Zoning.
- D. The map and the analysis shall be submitted by Department of Planning and Zoning to the Critical Area Commission for approval before development may occur on the site.
- E. To identify new intensely developed areas, the following locational guidelines shall be used:
 - 1. Locate in existing limited development areas or adjacent to existing intensely developed areas;
 - 2. Minimize impacts to habitat protection areas and resource conservation areas;
 - 3. Should be at least 300 feet from tidal waters or tidal wetlands if located in existing resource conservation areas.

21.54.150 Grandfathering provisions

The following types of land may be developed in accordance with density requirements in effect prior to February 13, 1989, notwithstanding the density provisions of this chapter:

- A. **Existing Land Uses.** Existing land uses as of February 13, 1989 may continue. Alterations or expansion of nonconforming land uses will not be permitted, unless a variance is granted under the procedures described in Section 21.54.160.
- B. **Single-family dwelling.** A single lot or parcel that was legally of record on February 13, 1989 may be developed with a single-family dwelling. In the case of any legal parcel of land in the limited development area or resource conservation area that was recorded as of June 1, 1984, manmade impervious surfaces shall be limited to 2,000 square feet or 15 percent of the site, whichever is greater;
- C. **Development Activity.** Any land on which development activity has progressed to the point of the pouring of foundation footings or the installation of structural members as of February 13, 1989;
- D. **Individual Parcels of Land, Not Part of a Subdivision.** Any legal parcel of land that was recorded as of December 1, 1985 and not part of a recorded or approved subdivision is grandfathered;
- E. **Subdivision Before June 1, 1984.** Subdivision of land approved prior to June 1, 1984 is grandfathered, subject to the following conditions:

Recorded legally buildable lots in subdivisions which received the City's approval prior to June 1, 1984 may be consolidated or reconfigured in order to bring them into conformance with the Critical Area Program insofar as possible without the consolidation or reconfiguration being considered a resubdivision by the state critical area commission.

- F. Land that was subdivided into recorded, legally buildable lots, where the subdivision received the final approval between June 1, 1984 and December 1, 1985.

- G. Land that was subdivided into recorded, legally buildable lots, where the subdivision received final approval after December 1, 1985, provided that development of any such land conforms to the critical area criteria.
- H. Nothing in this regulation may be interpreted as altering any requirements for development activities set out in the Water Dependent Facilities Section and the Habitat Protection Areas section of this Zoning Code.
- I. For purposes of implementing this regulation, the City has determined, based on land uses and development in existence on December 1, 1985, which land areas fall within the three types of development areas described in Section 21.54.080, 21.54.090 and 21.54.100.

21.54.160 Variances.

- A. Except as otherwise specified in Sections 21.54.170 and 21.54.180 of this chapter, variances to the provisions of this city of Annapolis critical area program will be considered due to special features of a site or other circumstances, city implementation of Title 27, Subtitle 01, of the Code of Maryland Regulations, or where a literal enforcement of provisions within the critical area program would result in unwarranted hardship to an applicant[CG5].
- B. Applications for variances and administrative variances shall be made in writing to the Planning and Zoning Director with a copy to the Critical Area Commission in accordance with the procedures in Section 21.28.020 and 21.28.030 of this Zoning Code. Variances will be considered under the provisions of Chapter 21.28 of this Zoning Code, except that the standards or conditions under which a variance shall be considered are:
 - 1. That special conditions or circumstances exist that are peculiar to the land or structure within the city’s critical area program, would result in unwarranted hardship;
 - 2. That a literal interpretation of Title 27, Subtitle 01, of the Code of Maryland Regulations or the city critical area program and related ordinances will deprive the applicant of rights commonly enjoyed by other properties in similar areas within the critical area of the city;
 - 3. That the granting of a variance will not confer upon an applicant any special privilege that would be denied by Title 27, Subtitle 01, of the Code of Maryland Regulations or the city critical area program to other lands or structures within the city critical area;
 - 4. That the variance request is not based upon conditions or circumstances which are the result of actions by the applicant, nor does the request arise from any condition conforming, on any neighboring property;
 - 5. That the granting of a variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the city’s critical area, and that granting of the variance will be in harmony with the general spirit and intent of the critical area law and the regulations adopted in Title 27, Subtitle 01, of the Code of Maryland Regulations.
- C. Appeals
 - 1. Any person aggrieved by any decision of the Board of Appeals may appeal that decision to the circuit court of Anne Arundel County[CG6].

2. An appeal filed pursuant to this section does not stay the action from which the appeal is taking unless provided by state law or an order entered by a court of competent jurisdiction[CG7].



21.54.170 Administrative variances

- A. The purpose of this section is to authorize delegation of Board of Appeals approval authority to the Planning and Zoning Director to apply the standards for variances as specified in Section 21.54.160 for proposed development activities as follows:

In the case of residential structures currently located within the designated 100-foot buffer, an expansion of these structures; provided, that the expansion occurs parallel to the shoreline and does not further encroach into the waterway yard.

- B. Administrative variances are subject to the following conditions:
 1. This section applies to new development or redevelopment within the critical area buffer.
 2. This section only applies to single-family lots of record at the time of program approval.
 3. Development may not impact any habitat protection areas other than the buffer.
 4. The applicant will be required to maintain existing natural vegetation in the buffer to the extent possible.
 5. The disturbance to the buffer must be the least intrusion necessary.
 6. Any development in the buffer will require mitigation/enhancement/or offsets, as follows:
 - a. The extent of the lot or parcel shoreward of the new development or redevelopment shall be required to remain, or shall be established and maintained, in natural vegetation; and
 - b. Natural vegetation of an area twice the extent of the impervious surface must be created in a buffer offset area or other location as may be determined by the city.
 7. An applicant who cannot comply with the above planting or offset requirements is required to pay into the fee-in-lieu program established under Chapter 17.09 according to the specifications below.
 - a. For each square foot of the buffer disturbed, \$1.20; and
 - b. For any buffer plantings required by Chapter 17.09 that cannot be implemented on site, \$0.40/square foot.
 - c. Any fees-in-lieu collected under these provisions shall be placed in an account that will assure their use only for projects within the critical area for the benefit of wildlife habitat, water quality improvements or environmental education. The status of these funds must be reported at the time of comprehensive review. If it is not possible to carry out offsets or other mitigation within the critical area, any plantings or other habitat/water quality improvement should occur within the affected watershed.

7. Any required reforestation/mitigation/offset areas must be designated under a development agreement or other instrument and recorded among the land records of Anne Arundel County.
8. The state critical area commission shall be notified of the requested variance prior to any administrative action by the staff and shall be notified of the action taken with regard to the requested variance within ten days of the action.
9. The request for administrative variance and all supporting documentation shall be referred by the Planning and Zoning Director to the Director of Neighborhood and Environmental Programs for review and comment. The Director of Neighborhood and Environmental Programs shall within ten days of such referral provide to the Planning and Zoning Director recommendations with regard to the proposed variance including a recommendation that the variance be granted, denied or granted subject to specified terms and conditions. The Planning and Zoning Director shall not be bound by the recommendations of the Director of Neighborhood and Environmental Programs[CG8].
10. The chairman of the critical area commission may appeal an administrative variance granted by the Planning and Zoning Director or local approving authority. At this time the project will go before the Board of Appeals de novo.

21.54.180 Variances in conjunction with subdivisions

- A. In accordance with the regulations of Chapter 20, Subdivisions, if a subdivision requires approval by the Planning Commission, the authority to approve a variance to the critical area requirements shall be that of the Planning Commission. The Planning Commission in considering the variance shall apply the standards or conditions of review specified under Section 21.54.160.
- B. Appeals from decisions of the Planning Commission under Section 21.54.180 shall be made to the Circuit Court for Anne Arundel County.

21.54.190 Appeals

An appeal may be made to the Board of Appeals, in accordance with Chapter 21.30, by a person, firm or corporation aggrieved or affected by a decision of the Planning and Zoning Director in accordance with this chapter.

Chapter 21.56 Historic District

Sections:

Article I.	Approval of Exterior Changes
21.56.010	Authority and purpose
21.56.020	Definitions
21.56.030	Boundaries
21.56.040	Certificate of approval
21.56.050	Certificate of approval--Demolition
21.56.060	Application review
21.56.070	Certificate of approval - Commission decision
21.56.080	Certificate of approval - Expiration
21.56.090	Maintenance, repair, and demolition by neglect
21.56.100	Undergrounding of utilities
21.56.110	Appeals
21.56.120	Violations
21.56.130	Severability
21.56.140	Statutory authority
Article II.	Height and Bulk Limits
21.56.150	Purpose
21.56.160	Applicability
21.56.170	Height measurement
21.56.180	Special height limit districts
21.56.190	Front setback for replacement buildings
21.56.200	Side yards
21.56.210	Width of buildings
21.56.220	Existing buildings

Article I. Approval of Exterior Changes

21.56.010 Authority and purpose

- A. The mayor and city council of the city of Annapolis, Maryland, derives authority for this chapter by virtue of its conformance with provisions of the State of Maryland Enabling Act for Historic Area Zoning, Article 66B, Zoning and Planning, Section 8.01--8.17, Annotated Code of Maryland, as amended.
- B. The preservation of sites, structures, and districts of historical, cultural, archaeological, or architectural significance together with their appurtenances and environmental settings is a public purpose.
- C. It is the further purpose of this article to preserve and enhance the quality of life and to safeguard the historical and cultural heritage of Annapolis by preserving sites, structures, or districts which reflect the elements of the city's cultural, social, economic, political, archaeological, or architectural history; to strengthen the local economy; to stabilize and improve property values in and around such historic areas; to foster civic beauty, and to preserve and promote the preservation and appreciation of historic sites, structures and districts for the education and welfare of the citizens of the city.

21.56.020 Definitions

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them:

- A. "Alteration" shall mean any exterior changes that would affect the historic, cultural or architectural significance of a designated site or structure, any portion of which is visible or intended to be visible from a public way including, but not limited to, construction, reconstruction, moving or demolition.
- B. "Appurtenances and environmental settings" shall mean all that space of grounds and structures thereon which surrounds a designated site or structure and to which it related physically and/or visually. Appurtenances and environmental settings shall include, but not be limited to, walkways and driveways (whether paved or not), trees, landscape elements, waterways, open space, setbacks, parks, public spaces, and rocks.
- C. "Certificate of approval" shall mean a certificate issued by the Historic Preservation Commission indicating its approval of plans for construction, alteration, reconstruction, rehabilitation, restoration, moving, or demolition of an individually designated landmark, site, or structure or of a site or structure within a designated historic district.
- D. "Cultural" shall mean that which relates to the artistic, historic, intellectual, educational, archaeological, or architectural aspects of the city of Annapolis.
- E. "Demolition" shall mean any act which destroys, in whole or in part, an individually designated landmark, site, or structure, or a site or structure within a designated historic district not including appurtenances and environmental settings.

- F. “Demolition by neglect” shall mean any willful neglect in the maintenance or repair of an individually designated landmark, site, or structure, or a site or structure within a designated historic district, not including any appurtenances and environmental settings, that does not result from an owner’s financial inability to maintain and repair such landmark, site, or structure, and which results in any of the following conditions:
1. The deterioration of the foundations, exterior walls, roofs, chimneys, doors, or windows, so as to create or permit a hazardous or unsafe condition to exist; or
 2. The deterioration of the foundations, exterior walls, roofs, chimneys, doors, or windows, the lack of adequate waterproofing, or the deterioration of interior features, which will or could result in permanent damage, injury, or loss of or loss to foundations, exterior walls, roofs, chimneys, doors or windows.
- G. “Historic district” shall mean a significant concentration, linkage, or continuity of sites or structures united historically, architecturally, archaeologically, or culturally, by plan or physical development. An historic district shall include all property within its boundaries as defined and designated by the city council.
- H. “Exterior features” shall mean the architectural style, design, and general arrangement of the exterior of an historic structure, including the nature and texture of building material, and the type and style of all windows, doors, light fixtures, signs or similar items found on or related to the exterior of an historic structure.
- I. “Landmark” shall mean any site or structure, designated by the city council, that is of exceptional historic, cultural, archaeological, or architectural significance[CG9].
- J. “Maintenance” shall mean work that does not alter the exterior fabric or features of a landmark, site or structure and has no material effect on the historical, archaeological, or architectural or cultural significance of the historical landmark, site or structure.
- K. “New construction” shall mean construction which is characterized by the introduction of new elements, sites, buildings, or structures or additions to existing buildings and structures in historic districts.
- L. “Preservation” shall mean actions taken to prevent or keep a structure from decay or degradation.
- M. “Reconstruction” shall mean the process of reproducing, by new construction, the exact form and detail of a vanished structure, or part thereof, as it appeared at a specific period of time.
- N. “Rehabilitation” shall mean the act or process of returning a property or building to usable condition through repair, alteration, and/or preservation of its features which are significant to its historical, architectural, and cultural values.
- O. “Repair” shall mean the process of rehabilitation which warrants additional work beyond simple maintenance, repair, includes patching, piecing in, splicing, consolidating or otherwise, reinforcing materials according to recognized preservation methods.
- P. “Restoration” shall mean the process of accurately recovering the form and details of a property as it appeared at a specific period of time by means of removal of later work and the replacement of work missing from that period.

- Q. “Site” shall mean the location of an event of historic significance or the location of a structure whether standing or ruined, which possesses historic, architectural, archaeological, or cultural significance.
- R. “Structure” shall mean a combination of material to form a construction that is stable including, but not limited to, buildings, stadiums, reviewing stands, platforms, stagings, observation towers, radio towers, water tanks and towers, trestles, bridges, piers, paving, bulkheads, wharves, sheds, coal bins, shelters, fences, and display signs visible or intended to be visible from a public way. The term “structure” shall be construed as if followed by the words, “or part thereof”.

21.56.030 Boundaries

- A. The boundaries of the Annapolis historic district are established as follows:

Beginning for the same at the intersection of the centerline of Southgate Avenue with the tidewaters of Spa Creek; thence leaving the beginning point and running with the tidewaters of Spa Creek westerly one hundred fifty feet, more or less, to intersect a line drawn parallel to and distant southwesterly one hundred fifty feet, as measured at right angles from the centerline of Southgate Avenue; thence leaving the tidewaters of Spa Creek and running northwesterly with the line parallel to Southgate Avenue to intersect the centerline of Franklin Street; thence leaving Franklin Street, continuing parallel to Southgate Avenue one hundred feet, more or less, to intersect a line drawn parallel to and distant northwesterly one hundred feet as measured at right angles from the centerline of Franklin Street; thence leaving the line parallel to Southgate Avenue and running with the line parallel to Franklin Street northeasterly to intersect the centerline of Shaw Street from the point of intersection running northwesterly following the centerline of Shaw Street northwesterly to a point one hundred fifty-five feet distant as measured from the intersection of the centerline of Shaw Street and the centerline of Lafayette Avenue; thence leaving the point of intersection and running in a southwesterly direction for eighty feet following the east property line of Lot 45 as shown on a plat of City Gate, section 1, recorded among the land records of Anne Arundel County in plat book 77, page 26; thence leaving the line and running in a northwesterly direction following the rear property lines of Lots 45a, 44, 43, 42 and 41 as shown on the plat to a point intersecting the centerline of Lafayette Avenue; thence following the centerline of Lafayette Avenue in a northerly direction for a distance of two hundred feet; thence leaving the centerline of Lafayette Avenue and running in an easterly direction following the southerly property line of Parcel 546 as shown on Tax Map 30 of Annapolis, as prepared by the Maryland Department of Assessments and Taxation, to a point intersecting the centerline of Water Street; thence following the centerline of Water Street in a northerly direction to a point intersecting with the centerline of Larkin Street; thence following the centerline of Larkin Street in an easterly direction to a point intersecting the centerline of City Gate Lane; thence following the centerline of City Gate Lane in a northerly direction to a point intersecting the centerline of West Street; thence running with the centerline of West Street easterly one hundred feet to intersect the centerline of Calvert Street; thence running with the centerline of Calvert Street northerly to intersect the centerline of Northwest Street; thence westerly with the centerline of Northwest Street to a point distant one hundred feet from the centerline of the eastbound lane of the Roscoe Rowe Boulevard; thence parallel with the eastbound lane of Roscoe Rowe Boulevard to the shoreline of College Creek; thence leaving the parallel to Roscoe Rowe Boulevard and running with the shoreline in a general northerly and northeasterly direction to intersect the present property line of the United States Naval Academy; thence leaving the shoreline of College Creek and running with the present divisional lines between the United States Naval Academy and the city of Annapolis to the intersection of the northeast side of Prince George Street with the shoreline of Spa Creek;

thence leaving the United States Naval Academy property and the present property line and running with the shoreline generally in a westerly direction to the place of beginning. Excepting all that property known as St. Anne's cemetery.

Saving and excepting all that property known as Southgate Harbor shown on a plat filed among the plat records of Anne Arundel County, Maryland, in plat book 41, folios 3 and 4, which is the same property conveyed by E. Nyce Feldmeyer, unmarried, to C. Edward Hartman, II and Patricia M. Hartman, his wife, by deed dated April 26, 1956, and recorded among the land records of Anne Arundel County in liber G.T.C. 1559, folio 161.

- B. The City Council may designate boundaries for landmarks, sites, structures, or districts of historic, cultural, archaeological, or architectural significance.
- C. Recommendations for designation of landmarks, sites, structures and districts shall be submitted to the city council for consideration. The Historic Preservation Commission may, after making full and proper study, recommend any area within the limits of the city for designation as a landmark, site, structure, or district of historic, cultural, archaeological, or architectural significance. The Commission shall recommend boundaries for the landmarks, sites, structures, and districts.
- D. The City Council or the Commission may petition the Maryland Historical Trust to make an analysis of and recommendation concerning the preservation of landmarks, sites, structures, or districts of historic, archaeological, architectural, or cultural significance within the city. Such report may include proposed boundaries of sites, structures, or districts, as well as recommendations for the identification and designation of particular sites, structures, or districts to be preserved.

21.56.040 Certificate of Approval[CG10]

- A. **When required.** Before a person may undertake the construction, alteration, reconstruction, rehabilitation, restoration, moving, or demolition of a designated landmark, site, or structure, or a site or structure within a designated historic district, if any exterior change is made which would affect the historic, archaeological, architectural, or cultural significance of a site or structure within a designated district or a designated landmark, site, or structure any portion of which is visible or intended to be visible from a public way, the person, individual, firm, or corporation proposing to make the construction or change shall file an application for a certificate of approval with the Commission for permission to construct, alter, rehabilitate, restore, reconstruct, move, or demolish the landmark, site, or structure.
- B. **Application.** An application for a certificate of approval shall be filed with the clerk to the Historic Preservation Commission. Each application shall include maps, plans and other necessary data and documents required by the rules of the Commission and shall be advertised in the manner provided in the rules. Additionally, the property shall be posted in accordance with the rules and regulations adopted by the Commission. Application fees shall be determined by the Department of Planning and Zoning.
- C. **Referral to and consideration by the Commission.** Every application shall be referred to and considered by the Commission and accepted, accepted with modifications, or rejected by the Commission. An application which is identical to a rejected application may not be resubmitted within a period of one year after the rejection. No certificate of approval shall be granted until the Commission has acted thereon as hereinafter provided.

21.56.050 Certificate of approval - Demolition

An application for demolition of a structure shall include plans for a replacement structure. Approval for the demolition of a structure may be conditioned upon the construction of an acceptable replacement structure, or landscape or park plan. A bond or other financial guaranty in the amount of the cost of the replacement structure may be required in order to assure the construction of the replacement structure, or park, or landscape plan.

21.56.060 Application review

- A. In reviewing applications, the Commission shall give consideration to the historic, cultural, archaeological, or architectural significance of the landmark, site, or structure and its relationship to the historic, cultural, archaeological, or architectural significance of the surrounding area; the relationship of the exterior architectural features of a landmark, site, or structure to the remainder of the landmark, site, or structure and to the surrounding area; the general compatibility of proposed exterior design, scale, proportion, arrangement, texture, and materials to the landmark, site, or structure and to the surrounding area; and any other factors including aesthetic factors which the Commission deems to be pertinent.
- B. The Commission shall consider only exterior features of a landmark, site, or structure and shall not consider any interior arrangements.
- C. The Commission shall not disapprove an application except with respect to the several factors specified in subsection A. above.
- D. The Commission shall be strict in its judgment of plans for landmarks, sites or structures determined by research to be of historic, cultural, archaeological, or architectural significance. The Commission shall be lenient in its judgement of plans for landmarks, sites or structures of little historic, cultural, archaeological, or architectural significance, or of plans involving new construction, unless in the Commission's judgement such plans would seriously impair the historic, cultural, archaeological, or architectural significance of surrounding landmarks, sites or structures. The Commission is not required to limit construction, reconstruction, or alteration to any one period of architectural style.

E. Special considerations

- 1. If an application is submitted for construction, reconstruction, or alteration affecting a landmark, site or the exterior of a structure or for the moving or demolition of a structure, the preservation of which the Commission considers to be of unusual importance to the city, state, or nation, the Commission shall attempt to formulate an economically feasible plan with the owner(s) of the site or structure for the preservation of the landmark, site or structure.
- 2. In the circumstances described above in subsection E.1, unless the Commission is satisfied that the proposed construction, alteration, or reconstruction will not materially impair the historic, cultural, archaeological, or architectural significance of the landmark, site or structure, the Commission shall reject the application, filing a copy of its rejection with the Department of Public Works.
- 3. If an application is submitted for construction, reconstruction, or alteration, or for the moving or demolition of a landmark, site or structure that the Commission considers to be of unusual importance and no economically feasible plan can be formulated, the

Commission shall have ninety days, from the time it concludes that no economically feasible plan can be formulated, to negotiate with the owner(s) and other parties in an effort to find a means of preserving the landmark, site or structure. At the end of such 90 day period, if no means of preserving the landmark, site or structure has been found, the Commission shall either approve, approve with modifications, or reject the application.

4. In the case of a landmark, site or structure considered to be valuable for its historic, cultural, archaeological, or architectural significance, the Commission may approve the proposed construction, reconstruction, alteration, moving, or demolition despite the provisions of subsection E.2 above, if the Commission finds that:
 - a. The landmark, site or structure is a deterrent to a major improvement program which will be of substantial benefit to the city;
 - b. Retention of the landmark, site or structure would cause undue financial hardship to the owner; or
 - c. Retention of the landmark, site or structure would not be in the interests of a majority of persons in the city.

21.56.070 Certificate of approval - Commission decision

- A. The Commission shall file with the Department of Public Works a certificate of approval certifying its approval or modification of each application and plans submitted to it for review. If an application is rejected, the Commission shall notify the Department of Public Works.
- B. Work shall not be commenced on any project until such a certificate of approval has been filed, and the Department of Public Works shall not issue a building permit for such change or construction unless it has received such a certificate of approval.
- C. Failure of the Commission to act upon a completed application within 45 days from the date the completed application was filed shall be deemed to constitute automatic approval of the proposed changes unless an extension of the 45 day period is mutually agreed upon by the applicant and the Commission or the application has been withdrawn and except as provided by Section 21.56.060.E.3 above [CG11].



21.56.080 Certificate of approval - Expiration

A certificate of approval of the Commission shall expire automatically, unless extended by the Commission, if:

- A. In the case of an application for the demolition, moving or alteration of a structure, the work has not commenced within six months and been completed within one year from the date of issuance of the certificate of approval; or
- B. In the case of an application for the construction of a new structure, the work has not commenced within one year from the date of issuance of the certificate of approval and been completed within three years.
- C. For the purposes of this section, application for extension of approval shall be treated and considered as a new application before the Commission.

21.56.090 Maintenance, repair, and demolition by neglect

- A. Nothing in this article shall be taken or construed to prevent maintenance that does not alter the exterior fabric or features of a designated landmark, site, or structure, or landscape elements, and which will have no material effect on the historic, cultural, archaeological, or architectural significance of a designated landmark, site, structure, or district.
- B. In the event of demolition by neglect, the Commission may request that the mayor's office notify, in writing, the property owner(s) of record, any person(s) having a right, title, or interest therein, and the occupant(s) or other person(s) responsible for the maintenance of the property, of the deterioration. The notice shall specify the minimum items of repair or maintenance necessary to correct the deterioration or prevent further deterioration.
- C. Prior to the issuance of a written notice, the Commission may request that the city establish a record of demolition by neglect. Such record may include dated materials such as photographs and written reports of the condition of the property so as to record or measure the deterioration.
- D. The notice shall provide that corrective action shall commence within thirty days of the receipt of said notice and be completed within a reasonable time thereafter. The notice shall state that the owner(s) of record of the property, or any person(s) of record with any right, title, or interest therein, may, within ten days after the receipt of the notice, request a hearing on the necessity of the items and conditions contained in the notice. In the event a public hearing is requested, it shall be held by the Commission upon 30 days' written notice being mailed to all persons of record with any right, title, or interest in the property and to all citizens and organizations which the Commission determines may have an interest in the proceedings.
- E. If, after the public hearing, the Commission determines that the corrective actions remain necessary, the Commission may request that the mayor issue final notice to be mailed to the owner(s) of record and all parties of record with any right, title, or interest in the property, advising them of the items of repair and maintenance necessary to correct the deterioration or prevent further deterioration. The owner shall institute corrective action to comply with the final notice within 30 days of receipt of the final notice.
- F. Upon failure, neglect, or refusal of the property owner(s) or other responsible person(s), duly notified, to take the corrective action specified in the final notice within the time required, the Commission may request that the mayor's office institute any of the remedies and penalties provided by law for such violations.

21.56.100 Undergrounding of utilities

- A. The city may require that utility companies relocate underground existing overhead lines and facilities within a defined part of the district or the entire district, and require that the connection thereto be placed underground, if necessary by private owners then receiving service from the overhead lines and facilities. The city shall provide:
 - 1. That the estimated cost to property owners, for work to be performed on private property, be determined and made available to affected property owners;
 - 2. That financing of these costs to private owners be provided including any charges for the amortization of the bonds issued to initially cover such private costs. The city may enter into agreement with individual property owners whereupon it will advance funds to cover the property owner's costs involved in the conversion of the overhead lines and facilities

and may appropriate funds, levy taxes or borrow funds to pay and advance the costs of such conversion. The city may also impose a benefit assessment against the property in the district for which the conversion is made in order to recapture such expended costs and make appropriate provisions for the collection thereof; and

3. For any other provisions reasonably related to the objectives of placing underground overhead lines and facilities, and the administration of such projects.
- B. Notwithstanding any other provision in this section, the Public Service Commission shall prescribe the amount of the monthly surcharge required to support the net capital costs and determine which customers of the applicable utility are subject to the surcharge, or the Commission shall include the related net capital costs in the rate base, or shall adopt any other method to appropriately apportion the said costs. However, in no event shall the utility be required to pay more than fifty percent of the net capital costs. The city is authorized to make appropriations for such relocation projects from any appropriate federal, state and local funds it receives for this purpose.

21.56.110 Appeals

Any person or persons, firm or corporation aggrieved by a decision of the Commission has a right of appeal to the Anne Arundel County Circuit Court and a further appeal to the Court of Special Appeals of Maryland. Appeal requests must be filed within thirty days from the date of the Commission decision.

21.56.120 Violations

- A. Any person(s) who willfully performs or allows to be performed any work without first obtaining a certificate of approval, fails to comply with any final notice issued pursuant to this article, or disregards a decision of the Commission will be in violation of the provisions of this article. A violation of the article shall be deemed a municipal infraction as stated in the city code. Each and every day that the violation continues shall be deemed a separate offense. Violators may be assessed a fine not to exceed 100 dollars for each day that the violation continues.
- B. In addition to other remedies and penalties, where there is a violation of this article, the planning and zoning director, through the city attorney, shall institute appropriate action to prevent, enjoin, abate or remove the violation.

21.56.130 Severability

If any provisions of this article or the application thereof to any person(s) or circumstances are held invalid for any reason, such invalidity shall not affect the other provisions of any other application of this article which can be given effect without the invalid provisions or application, and to this end, all the provisions of this article are hereby declared to be severable.

21.56.140 Statutory authority

The authorities for this law are Section 4.01 et. seq. and Section 8.01 et. seq. of Article 66B of the Annotated Code of Maryland. Nothing in this law shall be construed to limit the authority of the Historic Preservation Commission of the city to review proposals with respect to height and bulk.

Article II. Height and Bulk Limits

21.56.150 Purpose

The purpose of this article is to provide for light and the circulation of air, to prevent the congestion of population, to implement the purpose set forth in Section 21.56.010 of this chapter, and to better preserve the existing historical and architectural character of the historic district by limiting the height and bulk of buildings in the historic district.

21.56.160 Applicability

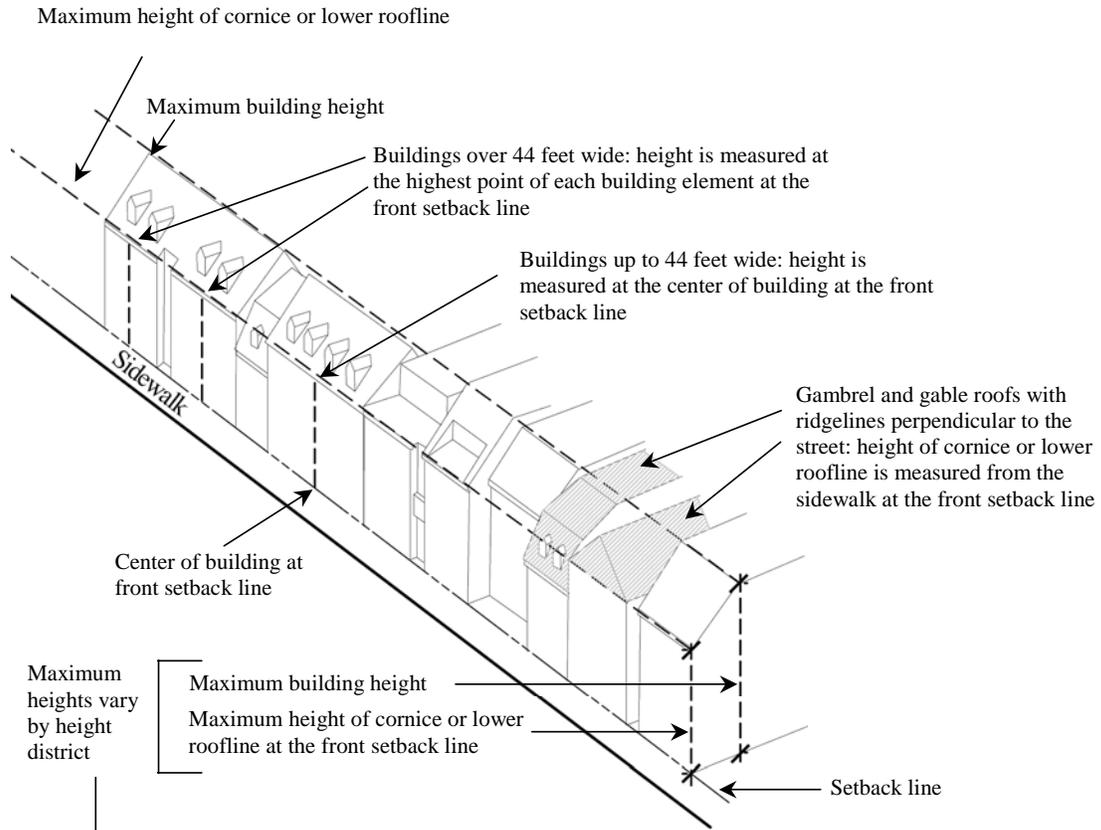
The special height and bulk limits apply only to land within the historic district and are intended to be supplementary and in addition to the more general factors of compatibility set forth in Section 21.56.100 of Article I of this chapter.

21.56.170 Height measurement

The height of buildings shall be determined in the following manner:

- A. All measurements shall be taken from the center of the building at the front setback line; provided, however, that if the building is greater than 44 feet wide, the massing shall conform to Section 21.56.210. In buildings greater than 44 feet in width, the building height measurement shall be taken at the highest point of each building element at the front setback line.
- B. Antennas and mechanical equipment up to 30 inches high shall not be counted in computing height, and penthouses, other structures and mechanical equipment 30 thirty inches in height shall be used in computing height; chimneys are excluded.
- C. For the purpose of achieving a permanent height limit, the height of a building shall not be allowed to increase because of an increase in the elevation of the front setback line occurring after the effective date of this Zoning Code [CG12].
- D. **Height measurement in special height limit districts**
 1. Two limits are established for each height district [CG13]:
 - a. The height of a building at its highest point.
 - b. The height of a cornice or lower roofline of the building at the front setback line.
 2. The height of a building behind the front setback line may be increased provided it does not exceed a plane projected at an angle of 45 degrees upward from the maximum allowable cornice or lower roofline height at the front setback line. The plane may contain roof dormers provided the sum of their widths does not exceed 50 percent of the street front linear dimensions of the building.
 3. For gambrel and gable roofs with ridge lines perpendicular to the street, the height of a cornice or lower roofline will be measured at the side wall at the front setback line, and the height of the building at its highest point will be measured at the ridge line [CG14].

Illustration for height measurement



Maximum heights vary by height district

Height District per 21.56.180	Height of Cornice or Lower Roofline at Front Setback	Maximum Building Height
1	22'	32'
2	28'	28'
3	35'	45'

21.56.180 Special height limit districts[CG15]

- A. **Establishment.** Three special height limit districts are hereby established: district 1, district 2 and district 3.
- B. **Location and boundaries.** The location and boundaries of the special height limit districts are as set forth on the map entitled “Historic District Special Height and Bulk Limits, Revised, May, 1983,” certified copies of which are to be maintained by the Department of Planning and Zoning, which constitutes a part of the “City of Annapolis Zoning District Map”, established by Section 21.06.020.
- C. **Applicability.** The special height and bulk limits in these districts shall govern over any other height and bulk limits established in other provisions of this Zoning Code.
- D. **Regulations**
 - 1. No building in the special height limit district 1 may exceed a total height of 32 feet and a height of 22 feet at the cornice or lower roofline measured at the front setback line.
 - 2. No building in the special height limit district 2 may exceed a total height of 38 feet and a height of 28 feet at the cornice or lower roofline measured at the front setback line.
 - 3. No building in the special height limit district 3 may exceed a total height of 45 feet and height of 35 feet at the cornice or lower roofline measured at the front setback line.

21.56.190 Front setback for replacement buildings[CG16]

Within the limits of the historic district, front setback provisions for the C1, C1A, C2, C2A and C2P districts shall be modified to provide that where a new building is constructed which takes the place of an existing building, the new building may be constructed with the same front setback as existed for the building it replaces; otherwise, the new building shall be subject to the provisions of the bulk regulations for those districts.

21.56.200 Side yards

Within the limits of the historic district the interior side yard requirement specified in the bulk regulations table for the C-1 district shall be modified to require:

- A. **Existing yards.** Existing side yards shall be maintained; provided, that they are not required to be greater than five feet.
- B. **New construction.**
 - 1. Where a new building or building addition replaces a building or part of a building that had a side yard, the side yard shall be maintained; provided, that it is not required to be greater than five feet.
 - 2. Where a new building replaces a building which did not have side yard, then a side yard is not required.
 - 3. In all other cases of new building, a side yard of five feet is required[CG17].

21.56.210 Width of buildings

- A. The width of new buildings is governed by the width of their individual building elements (as defined in subsection C. of this section) which should be compatible with the massing of structures in the surrounding neighborhood and with the historic district to maintain the historic and architectural character of the historic district.
- B. The width of individual building elements may not exceed twice the height of the lower roofline of the building as measured at the front setback line.
- C. “Building elements” means an unbroken roof ridge line, cornice or lower roofline, or wall. A building element will be considered broken if it is significantly offset from another building element, or separated from another building element by a projection or recess creating a substantial and distinct shadow line.

21.56.220 Existing ldings [CG18]

No building lawfully existing on the effective date of this Zoning Code shall be considered to be nonconforming because of a failure to comply with the provisions of this article, and nothing in this article prevents the restoration of a damaged or destroyed building, subject, however, to the approval of the Historic Preservation Commission and Section 21.68.020.

Chapter 21.58 OCD Office and Commercial Design Overlay District [CG19]

21.58.010 Purpose

The purpose of the OCD Office and Commercial Design Overlay district is to protect the character of existing neighborhoods and to ensure the compatibility of new development with surrounding properties in designated parts of the city. The general purpose includes:

- A. Protection of the architectural massing, composition and styles as well as neighborhood scale and character;
- B. Compatibility of new construction and structural alterations with the existing scale and character of surrounding properties;
- C. Encouragement of existing types of land uses that reflect the mixture and diversity of uses that have historically existed in the community; and
- D. Preservation of streetscapes.

21.58.020 Applicability

The provisions of the OCD overlay district apply to all commercial and office districts with the suffix - OCD on the official zoning map (for example, B1-OCD, B2-OCD, P-OCD).

21.58.030 Regulations

In the OCD district the following regulations apply:

- A. **Uses.** In addition to the uses permitted in the underlying zoning district the following use is permitted in the OCD overlay district:
 - Bed and breakfast homes, subject to the standards for bed and breakfast homes in Chapter 21.64.
- B. **Front yards**
 - 1. The front yard for principal uses shall be the lesser of the minimum specified in the bulk regulations table for the underlying zoning district or the established front yard pursuant to Chapter 21.38.
 - 2. Building additions may maintain the front yard of the existing structure.
 - 3. If a structure is demolished for the purposes of new construction, the new structure must maintain either the front yard of the previously demolished structure or the front yard as required under subsection B.1 of this section.
- C. **Side yards.** Notwithstanding the provisions of the underlying zoning district, there is no side yard requirement in the OCD district.
- D. **Height**

1. Except as provided in subsections D.2. and D.3 of this section, no building shall exceed the lesser of either the maximum height in the bulk regulations table for the underlying zoning district or the average height of all structures on the block face.
2. New construction behind the ridgeline (i.e., roofline) of an existing structure, or if no structure is extant, behind the average front setback of ridgelines on the block face, may maintain the height limitation in the bulk regulations table for the underlying zoning district.
3. The Director of Planning and Zoning may grant a 10 percent adjustment to the average height of all structures on the block face in subsection D.1. of this section, pursuant to the procedures set forth in Chapter 21.18 of this Zoning Code. This adjustment shall not be construed to permit buildings greater in height than the maximum height allowed in the district.

E. **Site Design Plan Review.** Where development is subject to Site Design Plan Review, the following design standards shall apply in addition to the general standards set forth in Chapter 21.62.

- a. Where new buildings, structures, structural alterations or structural rehabilitations, enlargements or reductions are proposed, their design shall be compatible with the historic character and design of the area and shall promote the existing spatial and visual qualities of the area. Design considerations shall include the following:
 - i. Height and scale of buildings,
 - ii. Orientation,
 - iii. Spacing,
 - iv. Site coverage, and
 - v. Exterior features such as porches, roof pitch and direction, landscape elements, and glazing and configuration of ing[CG20].
- b. Exterior structural alterations along the street frontage to historic structures and other structures contributing to the prevailing character of the area structures shall be kept to a minimum.

F. **Uses deemed forming[CG21]**

1. The following uses are deemed to be conforming, pursuant to Section 21.68.030 of this Zoning Code, provided they were legally existing on November 19, 1990:
 - a. Single-family attached and detached dwellings, and
 - b. Nonresidential uses, except for uses listed in subsection F.2. of this section.
2. Warehouse, storage and/or distribution uses and automotive service uses legally existing on November 19, 1990 are not deemed to be conforming. However, these uses may apply for a special exception, pursuant to Chapter 21.26, to become conforming, provided that such application is made while the use retains its nonconforming rights under Chapter 21.68 of this Zoning Code.

3. Expansion of uses deemed conforming
 - a. Single-family attached and detached dwellings deemed conforming may be expanded for residential use if they otherwise meet the requirements of the underlying district.
 - b. Any increase in the building bulk of nonresidential uses that become conforming under this section requires special exception approval pursuant to Chapter 21.26 of this Zoning Code.

Editorial Comments to Division IV

Page: 8

[CG1] Director of DPW added per O-26-03 (DNEP).

Page: 8

[CG2] Added “subdivision” to clarify subject of this section.

Page: 8

[CG3] C1A, C2, and C2P added to table.

Page: 10

[CG4] Updated reference from 17.12

Page: 17

[CG5] Added the word “where” to complete the sense.

Page: 17

[CG6] Appeals language simplified and made consistent with other appeals sections in the revised Code.

Page: 18

[CG7] Minor revision to current 21.80.060 which refers to Maryland Rule 7-205. This provision is informational rather than regulatory by the City. The revision is intended to help the layperson understand the situation with respect to stays rather than refer the layperson to another document.

Page: 19

[CG8] New provision per O-26-03 (DNEP)

Page: 22

[CG9] Revision in O-39-02.

Page: 24

[CG10] Combined former Sections 21.56.070 and 21.56.080

Page: 26

[CG11] Corrected former incorrect reference to 21.62.090.E.3.

Page: 29

[CG12] Effective date changed from August 10, 1970 to new effective date.

Page: 29

[CG13] Former 21.62.210.D broken up into sections to make it easier to follow.

Page: 29

[CG14] Clarification made to last sentence of Former 21.62.210.D which was unclear with respect to where measurements were to be made for gambrel roofs.

Page: 31

[CG15] Slight rewording for clarifying establishment versus regulation.

Page: 31

[CG16] Wording modified slightly, effect retained. This is a revision of former Section 21.56.230 that referred to established front yard setback requirements in conservation districts. The established front yard regulations have been revised (see note in Division III, Chapter 38) necessitating rewording of this section.

Page: 31

[CG17] Section clarified per Issues and Options Paper, December 21, 2000. Former section 21.62.240 was

unclear as to whether a side yard was required for an addition that replaces an addition that had a side yard, when the main part of the building did not have a side yard. Section has been clarified by adding the words “or building addition” and “or part of a building” so as to clarify that a side yard IS required for the new construction.

Page: 32

[CG18] Note change to effective date of this Zoning Code versus former language “building existing on August 10, 1970.

Page: 33

[CG19] New overlay district replacing the former RC overlay district (21.69). The residential portions of the overlay district would be a mapped district in the new zoning code (the R2-Neighborhood Conservation district). The OCD district contains only those provisions from former 21.69 that applied to B1, B2, and P districts that were within the overlay area.

Page: 34

[CG20] “Glazing and configuration of glazing” added.

Page: 34

[CG21] Former Section 21.69.020.A.2

DIVISION V REGULATIONS OF GENERAL APPLICABILITY

DIVISION V REGULATIONS OF GENERAL APPLICABILITY V-1

 Chapter 21.60 Supplemental Use and Development Standards..... V-2

 Chapter 21.62 Site Design Standards..... V-6

 Chapter 21.64 Standards for Uses Subject to Standards..... V-17

 Chapter 21.66 Parking and Loading Regulations V-50

 Chapter 21.68 Nonconforming Uses and Structures..... V-62

 Chapter 21.70 Sign Regulations V-69

 Editorial Comments to Division V V-83

Chapter 21.60 Supplemental Use and Development Standards

Sections

21.60.010	Purpose
21.60.020	Uses without buildings
21.60.030	One principal building per lot
21.60.040	Yard and lot area maintenance and conformity
21.60.050	Division of improved zoning lots
21.60.060	Location of required open space
21.60.070	Fences, walls and plantings
21.60.080	View cones
21.60.090	Objects in required yards
21.60.100	Reduced side yard required for accessory uses

21.60.010 Purpose

This chapter lists use and development standards that are supplemental to the requirements set forth in Divisions III and IV of this zoning code.

21.60.020 Uses without buildings

Where a lot is to be occupied for a permitted use without buildings, the side yards and front yard required for the lot shall be provided and maintained unless otherwise stipulated in this Zoning Code; except, that side yards are not required on lots used for garden purposes without buildings or structures or on lots used for public recreation areas.

21.60.030 One principal building per CG1

Not more than one principal detached residential building shall be located on a zoning lot, and a principal detached residential building shall not be located on the same zoning lot with any other principal building, except in the case of the following:

- A. Special exceptions,
- B. Planned developments, and
- C. Multi-family dwellings in the BCE district, pursuant to Section 21.64.220.

21.60.040 Yard and lot area maintenance and conformity

- A. The maintenance of yards and other open space and minimum lot area legally required for a building is a continuing obligation of the owner of the building or of the property on which it is located, as long as the building is in existence.
- B. No legally required yards, other open space, or minimum lot area allocated to any building, by virtue of change of ownership or for any other reason, shall be used to satisfy yard, other open space, or minimum lot area requirements for any other building.

21.60.050 Division of improved zoning lots

No improved zoning lot shall be divided into two or more zoning lots and no portion of any improved zoning lot shall be sold, unless all improved zoning lots resulting from each division or sale conform with all the applicable bulk regulations of the zoning district in which the property is located.

21.60.060 Location of required open space

All yards and other open spaces allocated to a building or dwelling group shall be located on the same zoning lot as the building or dwelling group.

21.60.070 Fences, walls, and plantings

A fence, wall or hedge may be erected, placed, maintained or grown pursuant to a permit issued in accordance with Section 17.34.010 of the Annapolis City Code.

21.60.080 View cones

A. Where a public right-of-way or easement dedicated for public access terminates at a waterway, a view cone shall be provided. See Division VI for definition and calculation of the view cone.

B. Fences, walls, and plantings in view es[CG2]

1. No fences, walls, or plantings with a height greater than 48 inches are allowed in a view cone, except:
 - a. Fences and walls (including their component parts, such as handrails and guards) that do not exceed six feet in height and are transparent above 48 inches. A fence, wall, hand-rail, or guard is considered transparent if its opacity is 20 percent or less. The percentage of opacity is measured by dividing the square footage of the opaque portion of the subject structure by the square footage of the entire structure, and multiplying the result by 100.
 - b. Trees maintained with a single clear trunk with all branches and pendulous branches removed to a height of seven feet above the ground plane. Trees shall not be planted closer than 15 feet apart so as not to form a visual barrier.
2. All plantings, exclusive of trees referenced in subsection 1.b above, located in a view cone must be pruned or maintained to a height of 48 inches or less.
3. The height of a fence, wall or planting or any combination of these is measured from the grade of the public right-of-way or easement. In the case where there is a change in grade, at no point along the length of the fence, wall or planting or any combination thereof shall the height exceed the limits established in subsections 1.a and 1.b.

21.60.090 Objects in required yards

The following are not obstructions when located in the required yards:

A. All yards:

1. Open terraces, porches, and decks not over four feet above the average level of the adjoining ground, but not including a permanent roof-over terrace or porch [CG3]. Handrails and guardrails around terraces, porches, and decks within a view cone shall be transparent, pursuant to Section 21.60.080.
2. Awnings and canopies,
3. Steps four feet or less above grade which are necessary for access to a permitted building or for access to a zoning lot from a street or alley,
4. Grade-level walks and driveways,
5. Chimneys projecting 18 inches or less into a yard,
6. Recreational and laundry-drying equipment,
7. Arbors and trellises,
8. Flagpoles, and
9. Fences, walls and plantings for which required permits have been issued in accordance with Chapter 17.34 of the City Code, except as prohibited under Section 21.60.080.

B. Front yards:

1. One-story bay windows projecting three feet or less into a yard,
2. Overhanging eaves and gutters projecting three feet or less into the yard,
3. Fuel, air and water pumps in conjunction with motor vehicle service stations; provided, that they are set back at least 15 feet from the front lot line, and
4. Canopies in conjunction with motor vehicle service stations subject to the site design plan review requirements of Chapter 21.22;

C. Rear yards:

1. Balconies,
2. Open porches,
3. One-story bay windows projecting three feet or less into the yard, and
4. Overhanging eaves and gutters projecting three feet or less into the yard;

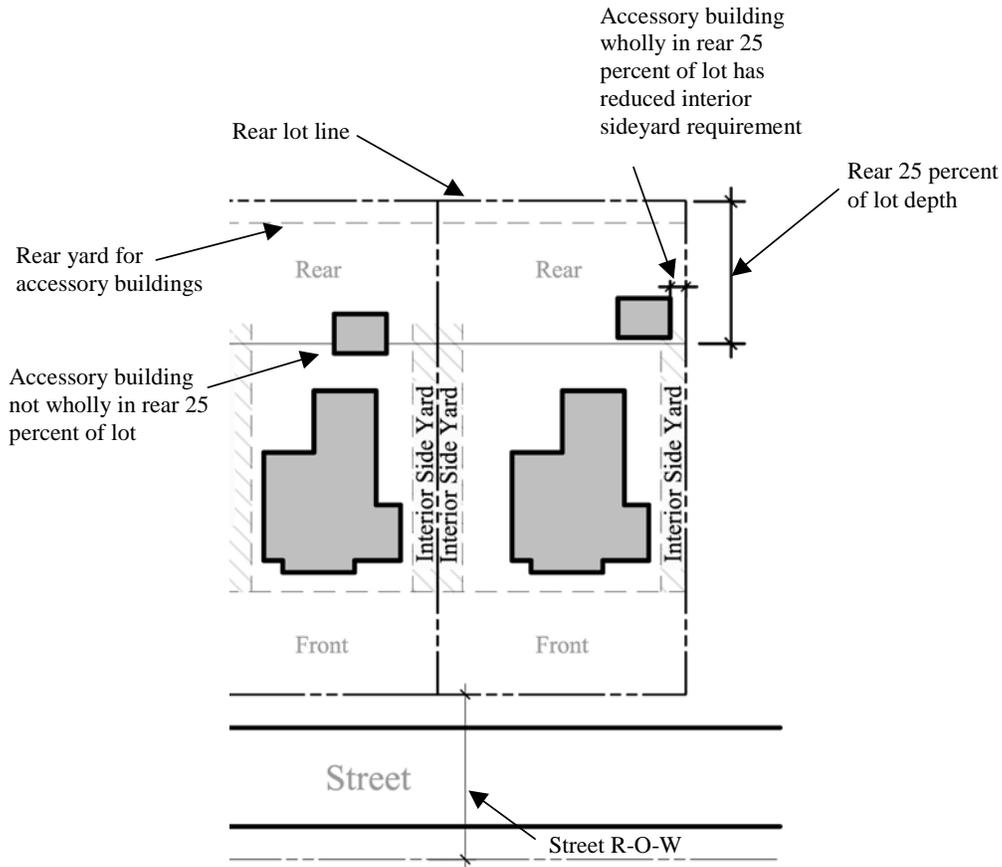
D. Side yards:

1. Overhanging eaves and gutters projecting 18 inches or less into the yard, and

2. Fuel, air and water pumps in conjunction with automobile service stations; provided, that they are set back at least 15 feet from the side lot line.

21.60.100 Reduced side yard required for accessory uses. See illustration.

Where specified in the bulk regulations table in Division III of this Zoning Code for a particular residential zoning district, an accessory building located on the rear 25 percent of a lot has a reduced interior side yard requirement[CG4].



Chapter 21.62 Site Design Standards

Sections

21.62.010	Applicability
21.62.020	General design standards
21.62.030	Other site design standards
21.62.040	Planting
21.62.050	Street Trees
21.62.060	Scenic, Historic, Archaeological and Landmark Sites and Views
21.62.070	Transitional Provisions for Development Adjoining Residential Districts
21.62.080	Surface Water Drainage
21.62.090	Traffic Impacts
21.62.100	Driveway Connections to Public Streets and Rights-of-Way
21.62.110	Vehicular Circulation
21.62.120	Parking and loading
21.62.130	Pedestrian and Bicycle Circulation
21.62.140	Lighting
21.62.150	Utility Services
21.62.160	Waste Disposal
21.62.170	Noise
21.62.180	Storage, Loading, and Service Areas
21.62.190	Additional site design standards

21.62.010 Applicability

- A. The standards in this chapter shall apply to sites that are the subject of an application for site design plan approval. The standards are intended to provide a framework within which the applicant is free to exercise creativity, invention and innovation in order to meet the purpose of site design plan review as set forth in Section 21.22.010. The standards do not require or favor unduly any particular architectural style.
- B. Additional design standards may apply in specific zoning districts as set forth in Division III.
- C. Additional design standards may apply to uses that are subject to standards, as set forth in Chapter 21.64.
- D. In the event of a conflict between the standards set forth in this section and any other applicable standards, the more restrictive standard shall apply.

21.62.020 General design standards

A. Relation of Buildings and Structures to the Surrounding Environment

- 1. Proposed structures shall be related harmoniously to themselves, to the terrain, to existing buildings and roads in the vicinity that have a visual relationship to the proposed structures, and to the historic character of the City of Annapolis. The achievement of a harmonious relationship may include the enclosure of space in conjunction with other existing buildings or other proposed buildings and the creation of focal points with respect to avenues of approach, terrain features or other buildings.

2. Building bulk and scale shall relate to adjacent and surrounding buildings. Appropriate natural or artificial screening may be required to minimize any adverse impacts.
3. Special consideration shall be given to the siting and design of those structures or portions thereof that may be viewed from any public street or adjacent properties.

B. Relation of Structures to Adjacent Development

The construction of new buildings should look appropriate and compatible as part of their surroundings. In general, new development should be human in scale, with building facade articulation (doors, windows and surface treatment and detailing) open spaces, and access systems designed to relate to and to welcome people on foot. Buildings also must be sensitive to the character of the neighborhood in which they are located. The following standards shall apply to any development or redevelopment for a particular area:

1. **Height.** Except where otherwise restricted by this Zoning Code, the variation between the height of the new building and the height of adjacent buildings should not be so great as to substantially impair the architectural character and integrity of adjoining buildings.
2. **Width and Facade.** A new or altered building should reflect the characteristic rhythm of surrounding facades. The mass of the facade of a new building should be divided into elements with size and proportions similar to those of adjoining and nearby structures, including where appropriate those structures across the street, and should be consistent with the development and redevelopment goals of the area.
3. **Proportion.** A new or altered building should respect the characteristic proportion of existing facades of adjoining and nearby buildings and be consistent with the development or redevelopment goals of the area.
4. **Mass.** The mass of buildings should complement the size and proportions of the predominant features on the block on which it is located.
5. **Relationship to Street.** A new or altered facade should have a relationship to the street compatible with those of adjoining and nearby buildings.
6. **Roof Forms.** The type of roof used should be compatible with the roofs formed on adjacent and nearby buildings.
7. **Composition.** The composition of a new or altered facade should be complementary to the composition of facades of adjoining and nearby buildings.
8. **Rhythm.** Rhythms which carry throughout a block should be incorporated into a new facade.
9. **Proportion of Openings.** The size and proportions of window and door openings, as well as the ratio of window area to solid wall area for the facade as a whole, should be similar to adjoining and nearby facades in historic or preservation areas.
10. **Facade Materials.** A new or altered facade should be composed of materials that complement adjacent and nearby facades.

11. **Color.** Color treatment for new or altered buildings should complement color treatments of adjoining and nearby buildings.
12. **Corner and Through Lots.** The two facades of a building situated on a corner lot or through lot shall relate to the scale of the buildings on their respective streets. Corner buildings should complete the street form.
13. **Site signage.** Site signage shall meet the requirements and design guidelines set forth in Chapter 21.70.

21.62.030 Design of Open Areas

A. Existing features

Disturbance of existing vegetation, topography and soils should be minimized. Efforts shall be made to preserve street trees, mature trees, trees of a diameter of four inches or above measured four feet above ground level, and trees of unique varieties. If development of the site necessitates the removal of established trees, special attention shall be given to the planting of replacements or to other landscape treatment. Any grade changes shall be in keeping with the general appearance of neighboring developed areas. All planting and maintenance shall adhere to the requirements of Chapter 14.12.

B. Buffer areas

All sites shall be designed appropriately to provide buffer areas to provide shade and reduce heat, noise, air pollution, and to screen adverse visual impacts. Designated buffer areas shall not be utilized for structures, utilities, storm and sanitary sewers, water lines, sediment and erosion control traps, stormwater management systems, and signage, except that access roads or required utilities may dissect a perimeter buffer or other minimal disturbance may be allowed if the integrity of the natural buffer is preserved. Buffers with existing mature trees and other vegetation shall remain in their natural state where practical and shall not be graded.

C. Bufferyards 5]

1. Bufferyards have the following purposes:
 - a. Minimize potential nuisances such as dirt, litter, noise, glare, signs, and unsightly buildings or parking areas;
 - b. Provide spacing to reduce adverse impacts of noise, odor, or danger of fires; and
 - c. Enhance the visual character of the streetscape along street frontages for developing and redeveloping properties.
2. Requirements for bufferyards are set forth in the zoning district bulk regulations tables, Chapter 21.50.

D. Open Space

1. Areas of usable open space should be provided on sites in order to afford visual relief. This open space area should be planted though the surface treatment and need not be entirely living ground cover.
2. Consideration shall be given to dedicating open space land to the City in furtherance of the goals and purposes of the Comprehensive Plan, Critical Areas Plan, and the Parks and Recreation Plan. The Annapolis Conservancy Board has been established to promote these goals and purposes, see Chapter 2.50 of the Annapolis City Code[CG6].



21.62.040 Planting

- A. Planting should be provided within the site in order to integrate a building into the overall site design, soften the mass of the building and separate the building from the parking area. Building area planting should be located in order to be visible from adjacent streets.
- B. Existing trees, tree stands and natural vegetation shall be integrated into the site planting plan to the maximum extent possible.
- C. Areas of lawn should be minimized.
- D. Parking lot planting. See under Parking in Section 21.62.120.

21.62.050 Street Trees[CG7]



- A. In determining the location for the installation of street trees in the public right-of-way, consideration should be given to the location of underground utilities, the relationship of tree planting to parking, the width of the sidewalk, and other street considerations.
- B. When installed, trees should be set back from the curb. Plantings should be placed to the front of on-street parking spaces to not interfere with the opening or closing of car doors.
- C. Trees should not be installed in locations which will obstruct views or otherwise produce dangerous traffic conditions.
- D. Trees should be located at least 25 feet from intersections, 15 feet from driveways and 15 feet from hydrants.
- E. Tree plantings shall be consistent with the *City of Annapolis Street Tree Master Plan, 1997*.

21.62.060 Scenic, Historic, Archaeological and, Landmark Sites and Views

Scenic, historical, archaeological and landmark sites and features that are located on or adjacent to the proposed development shall be preserved and protected to the maximum extent as practicable through site design, building location, and parking layout. Special consideration shall be given to the impact of projects on views of the Annapolis historic district from the following points:

1. From Eastport and the city dock;
2. From Truxtun Park; and
3. From the Severn River Scenic Overlook

21.62.070 Transitional Provisions for Development Adjoining Residential Districts

Where a development adjoins a residential district, special consideration shall be given to transitional devices as landscaped pathways, increased setbacks, screening, the relationship of the height of buildings on adjoining lots, the distance between buildings on adjoining lots and plantings in transitional yards as may be required by the district regulations. Transitional devices shall be incorporated as appropriate on the lot with the higher intensity of land use, to integrate the new development with existing development on the lot with the lower intensity of land use.

21.62.080 Surface Water Drainage

A proposed development shall be designed to provide for proper surface water management through a system of controlled drainage that, wherever practicable, preserves existing natural drainage patterns and wetlands, enhances groundwater recharge areas, and that protects other properties and existing natural and artificial drainage features from the adverse effects of flooding, erosion and the depositing of silt, gravel or stone. A stormwater management plan is required to be submitted to the Director of Neighborhood and Environmental Programs for review and approval under Chapter 17.10 of the Annapolis City Code.

21.62.090 Traffic Impacts

- A. A development proposal generally shall minimize adverse traffic impacts on the road network serving the area.
- B. Determination of traffic impact and required mitigation shall be made through a suitable traffic impact study of the proposed use on the road network and affected intersections. The scope of the traffic impact study shall be determined by the Planning and Zoning Director. [CC8].

21.62.100 Driveway Connections to Public Streets and Rights-of-Way

- A. **Location and design.** All entrance and exit driveways to public streets shall be located with due consideration for traffic flow and to afford maximum safety to traffic on the public streets. All entrances and exits shall be located and designed to:
 1. Conform with sight visibility triangle requirements at street intersections.
 2. Achieve maximum practicable distance from street intersections and from existing and proposed access connections from adjacent properties.
 3. Minimize left-hand turns, other turning movements, and prohibit backing movements onto a public right-of-way.
 4. Discourage the routing of commercial vehicular traffic to and through streets serving primarily residential uses.

5. Minimize multiple access points on major collector and arterial streets. Where feasible, joint access among adjacent properties shall be provided.
- B. **Width.** Driveways onto public rights-of-way may not exceed 25 feet in width, not including curb cuts.

21.62.110 Vehicular Circulation

- A. The location, width and layout of interior drives shall be appropriate for the proposed circulation.
- B. Adequate access shall be provided for police, fire, refuse and emergency vehicles.

21.62.120 Parking and Loading [CG9]

A. General design considerations

The principles in this subsection shall govern the design of all off-street parking areas.

1. The location and layout of accessory off-street parking and loading spaces shall provide for efficient circulation and for the safety of pedestrians and vehicles.
2. To the maximum extent practicable, sites shall be designed to:
 - a. Locate parking areas in a manner that does not detract from the design of proposed buildings and structures or from the appearance of the existing neighboring buildings, structures, and landscape elements.
 - b. Minimize lot frontage of parking areas on streets and shield parking areas from public view.
 - c. Avoid the location of parking areas within 100 feet of the waterfront.

B. Types of facilities

Accessory parking spaces may be open or enclosed.

C. Provisions for the physically handicapped

Parking for the physically handicapped shall be provided pursuant to the provisions of the Americans with Disabilities Act and the Maryland Building Code for Handicapped.

D. Access

Access to off-street parking spaces shall meet the following requirements:

1. Off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement.
2. Except on lots accommodating single-family dwellings, each off-street parking space shall open directly upon an aisle or driveway at least 12 feet wide.

E. Surface material

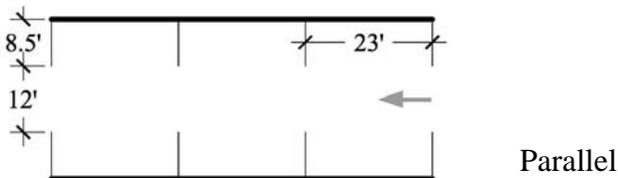
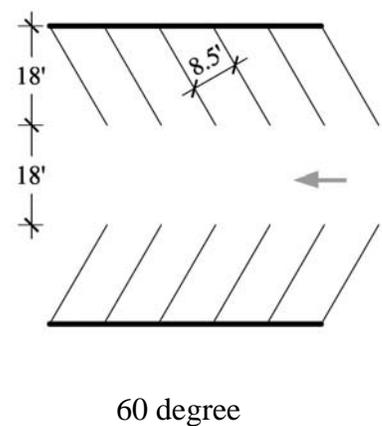
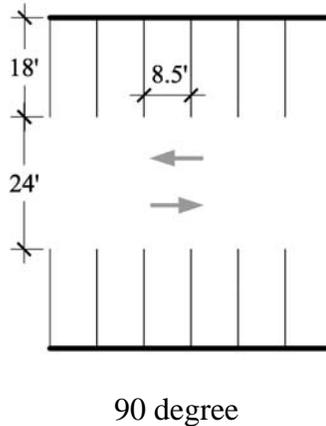
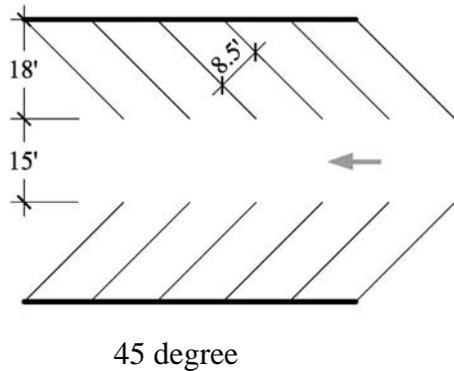
Parking area surface material should be appropriate for the use.

1. A dustless all-weather surface material should be used in most situations. Nontraditional surface materials, such as pervious pavers, are recommended [CC10].
2. Subject to standards established by the Department of Public Works, gravel may be used as a surface material in residential zoning districts.
3. The surface treatment of parking lots should differentiate vehicular from pedestrian travelways.

F. Parking space and aisle dimensions

1. Parking spaces shall have the following minimum dimensions, exclusive of access drives or aisles, ramps, columns or office or work areas:
 - a. Width: 8.5 feet.
 - b. Length: 18 feet, or 23 feet in the case of parallel parking.
 - c. Vertical clearance: 6.5 feet, measured at right angles to the axis of the vehicle.
2. Minimum aisle widths are as follows, with the angle measured between the centerline of the parking space and the centerline of the aisle:

Parking Angle	Width
90 degree	24 feet
60 degree	18 feet
45 degree	15 feet
Parallel	12 feet



G. Buffers and planting

1. Parking lot planting shall be in accordance with *Parking and Landscaping: A Manual of Landscape Standards for Parking Lots*, Department of Planning and Zoning, Revised 1986.
2. Parking lots shall have landscaped buffers in accordance with the following schedule:

Situation	Required minimum landscaped buffer from property line to edge of pavement
Property line buffers	
Parking lots adjacent to residential property lines (except for the C1, and C1A districts):	
15 or fewer spaces:	15 feet
16 or more spaces:	20 feet
Parking lots in residential zoning districts with irregular, confining or other unusual site characteristics:	10 feet
<hr/>	
Parking lots in non-residential zoning districts (except for the C2 and C2A districts):	
Adjacent to sites in non-residential zoning districts:	10 feet
Parking lots with irregular, confining or other unusual site characteristics:	5 feet
<hr/>	
Parking lots in the C1, C1A, C2, and C2A districts:	
15 or fewer spaces:	No requirement
16 or more spaces:	10 feet
<hr/>	
Road and right-of-way buffers	
Parking lots 60 feet or less in width adjacent to roads and rights-of-way:	
Right-of-way 60 feet or less:	15 feet
Right-of-way over 60 feet:	20 feet
Parking lots with irregular, confining or other unusual site characteristics:	10 feet
Parking lots over 60 feet in width adjacent to roads and rights-of-way:	Minimum buffer shall be increased by five feet for each 60 feet of parking lot area.

3. Parking lots containing more than 15 parking spaces or 6,000 square feet shall devote at least seven percent of the total area of the parking lot to internal planting dispersed throughout the parking lot.
4. The Department of Planning and Zoning may require the screening of parking areas to prevent negative impacts from parking on adjacent property.

H. Design of Loading Facilities

1. Size

- a. Loading spaces shall be a minimum of 12 feet in width by 55 feet in length, exclusive of aisle and maneuvering space, with vertical clearance of at least 15 feet.
- b. Through the Site Design Plan review process, loading spaces less than 55 feet in length may be approved based on the loading needs for the proposed use as documented by the applicant.

2. Screening

- a. Loading facilities shall be subject to screen plantings or other reasonable screening methods determined to be required to prevent any adverse effect on nearby property.
- b. Loading facilities that abut a residential district or an intervening alley separating a residence district from a non-residential district shall be effectively screened from the adjoining district.

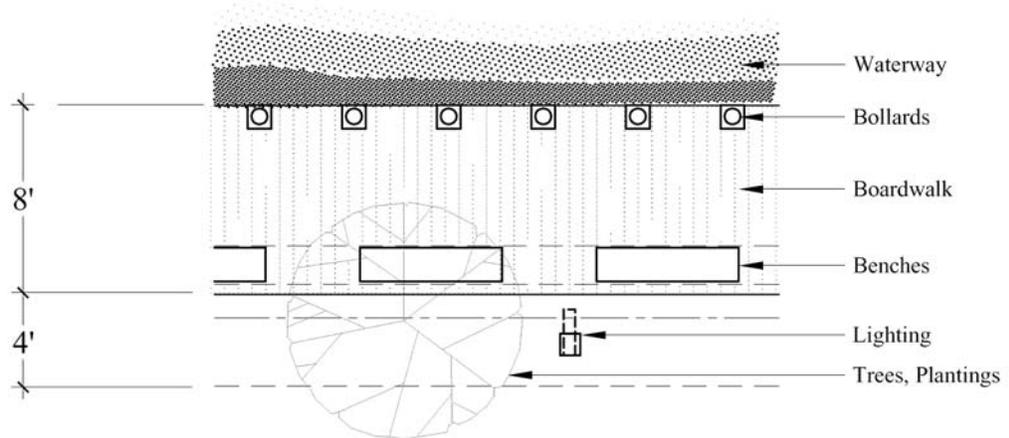
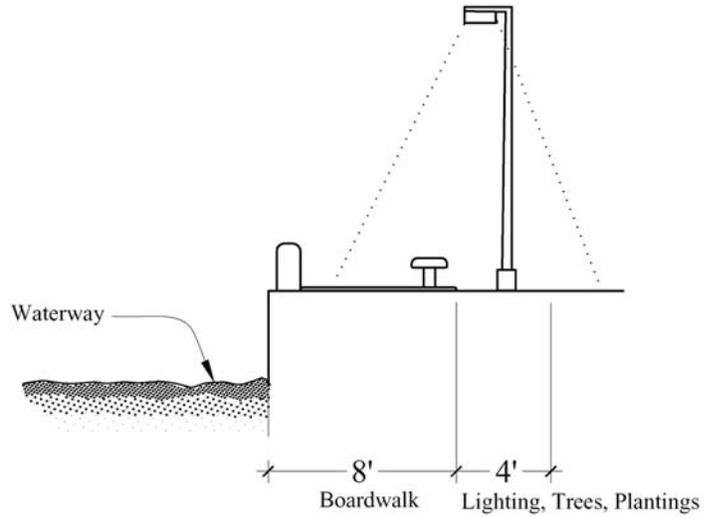
21.62.130 Pedestrian and Bicycle Circulation

- A. Safe and convenient pedestrian and bicycle circulation, including appropriate sidewalks, shall be provided on the site and its approaches.
- B. To the maximum extent practicable, pedestrian and bicycle circulation shall be separated from motor vehicle circulation.
- C. A pedestrian and bicycle circulation plan, when required, shall be designed to minimize adverse effects of vehicular traffic upon pedestrian and bicycle routes and to enhance the integration of these physical components of the circulation system.
- D. Where bicycle parking is provided it shall be located in a clearly designated, safe and convenient location. Bicycle racks must be capable of locking the bicycle and of supporting the bicycle in an upright position[CG11].
- E. Where a public pedestrian walkway is required pursuant to the specific requirements for a zoning district, it shall be constructed in accordance with the following standard[CG12]:

Illustration for public pedestrian walkway

Requirements

- Boardwalk
- Benches
- Luminaires
- Trees
- Bollards
- Maintenance Plan



21.62.140 Lighting

- A. Any lighting used to illuminate off-street parking areas shall be directed away from residential properties and public streets in such a way as not to create a nuisance.
- B. Parking lot lighting may not exceed three foot-candles measured at the lot line.

21.62.150 Utility Services

If feasible, electric, telephone and other wire-served connections shall be placed underground and subject to state public utilities regulations. Any utility installations remaining aboveground shall be located in order to have a harmonious relation to neighboring properties and to the site.

21.62.160 Waste Disposal

There shall be adequate provision for the disposal of all solid, liquid and gaseous wastes and for the avoidance of odors and other air pollutants that may be generated at the site. All applicable federal, state, county and local pollution control standards shall be observed.

21.62.170 Noise

Control of all outside noise expected to be generated by the site, shall be in accordance with all applicable federal, state and local regulations.

21.62.180 Storage, Loading, and Service Areas

Outside storage areas, machinery service areas, truck loading areas, utility buildings and structures and similar accessory uses and structures shall be subject to setbacks, screen plantings or other reasonable screening methods determined to be required to prevent any adverse effect upon the environment or nearby property.

21.62.190 Additional site design standards

- A. In addition to the enumerated standards in Chapter 21.62, a project may also be subject to additional design standards established for a particular geographic area or for a particular use pursuant to other sections of this Zoning Code.
- B. The Planning Commission, after public hearing, may adopt additional design standards that are supplementary to, but not in conflict with, the standards specified in this chapter [CC13].



Chapter 21.64 Standards for Uses Subject to Standards

Sections

21.64.010	Purpose and application of standards
21.64.020	Adult bookstore
21.64.030	Antenna towers
21.64.040	Antennas and amateur radio stations
21.64.050	Antique stores
21.64.060	Apartment hotels
21.64.070	Arts and crafts stores
21.64.080	Arts and crafts studios
21.64.090	Bake shops
21.64.100	Banks and and financial institutions
21.64.110	Bed and breakfast homes
21.64.120	Bed and breakfast home in a structure constructed or erected after December 14, 1998 on a vacant lot of record
21.64.130	Candy stores including candy making
21.64.140	Catering establishments
21.64.150	Christmas tree and greens sales
21.64.160	Clubs, lodges and meeting halls, with on-premises food or beverage preparation facilities
21.64.170	Coffee shops
21.64.180	Convenience stores
21.64.190	Day care, family
21.64.200	Day care centers, group
21.64.210	Day care centers, group, in conjunction with public school facilities or with a principal religious institution
21.64.220	Delicatessens
21.64.230	Drive-through facilities associated with permitted or special exception uses
21.64.240	Dwellings, multi-family
21.64.250	Dwellings, multi-family containing six or fewer dwelling units
21.64.260	Dwellings, multi-family, containing 12 or fewer units
21.64.270	Dwellings, single-family attached
21.64.280	Reserved
21.64.290	Dwellings, two-family
21.64.300	Food and beverage-related uses
21.64.310	Food service marts
21.64.320	Garden supply, tool and seed stores
21.64.330	Home occupations
21.64.340	Hotels with up to 40 rooms, including restaurants and conference room facilities
21.64.350	Ice cream stores
21.64.360	Inns
21.64.370	Institutions for the care of the aged
21.64.380	Markets, open air
21.64.390	Maritime retail
21.64.400	Medical appliance stores
21.64.410	Mooring slip or dock, private
21.64.420	Neighborhood convenience shopping uses in the PM2 District
21.64.430	Offices, business and professional, and nonprofit, educational, cultural, or civic
21.64.440	Office or studio of a professional person

- 21.64.450 On-land boat storage
- 21.64.460 Parking garages
- 21.64.470 Parking Lots
- 21.64.480 Parking structures as accessory to permitted maritime uses on a separate zoning lot
- 21.64.490 Personal care establishments
- 21.64.500 Philanthropic and charitable institutions, civic nonprofit organizations, and social and fraternal organizations
- 21.64.510 Planned developments
- 21.64.520 Professional offices
- 21.64.530 Restaurants, fast food
- 21.64.540 Restaurants, standard
- 21.64.550 Retail sales of non maritime-related goods
- 21.64.560 Sidewalk cafes
- 21.64.570 Specialty convenience retail stores
- 21.64.580 Supermarkets
- 21.64.590 Telecommunications facilities
- 21.64.600 Temporary uses
- 21.64.610 Theaters, indoor
- 21.64.620 Theaters, indoor, located in shopping centers
- 21.64.630 Transient boater services

21.64.010 Purpose and application of standards

- A. This chapter lists the standards that apply to uses listed as subject to standards in the use tables Chapter 21.48 of this Zoning Code.
- B. In the case of a use requiring special exception approval, the standards for the use set forth in this Chapter must be met in addition to the general standards for approving a special exception[CG14].



21.64.020 Adult bookstores

Video sales may be permitted as an accessory use to the special exception.

21.64.030 Antenna vers[CG15]

- A. **Permitted by right.** Antenna towers that are permitted as a matter of right are subject to the following standards:
 1. **Review.** Site design plan review is required.
 2. **Type.** Monopole-type towers are the only towers permitted.
 3. **Height.** The height of the tower, including antennas, shall be no taller than necessary to meet the applicant’s service needs, up to a maximum height of 65 feet. Elevation drawings of the tower must be submitted with the application.
 4. **Need.**
 - a. An applicant for a tower must demonstrate need for the tower. A needs study must be submitted including:

- i. A map of area to be served and explanation of inadequate service area.
 - ii. Explanation of why communications service cannot be provided by locating on existing buildings or structures.
 - iii. Explanation of the proposed height of the tower.
- b. The City may require a review of the needs study by an independent consultant of its choosing, cost of the review to be borne by the applicant.
- 5. Setback.** Towers must be set back from all property lines a distance of one half foot for each foot of tower height.
- 6. Co-location.** Towers shall be designed and made available on a commercial basis for co-location by no less than three other telecommunications service providers, unless the Planning and Zoning Director determines that co-location:
- a. Is infeasible,
 - b. Will result in a tower that is taller than the minimum necessary to provide service, or
 - c. Is not essential to the public interest.

B. Special Exception

- 1. The Board of Appeals may permit a special exception for antenna towers for the following:
 - a. Towers with a maximum height above 65 feet.
 - b. Towers with a setback less than one half foot for each foot of tower height.
- 2. An application for a special exception must include information sufficient to understand the application including a thorough explanation of why the tower is needed and cannot be provided or developed under the permitted use provisions in this section.
- 3. The Board may request a demonstration of visual impact such as a balloon or crane test.
- 4. The Board of Appeals may require a review of the needs study by an independent consultant of its choosing, cost of the review to be borne by the applicant.

21.64.040 Antennas and amateur radio  tions [CG16]

- A. Antennas and amateur radio stations are permitted as accessory uses subject to the numerical limitations and standards in the table in this section.

Type	Number per building or lot, plus standards if any
Antennas	
Enclosed within a building	Unlimited
On a roof, located behind and no taller than the roof parapet walls	Unlimited
No taller than 18 inches and necessary for 911 or emergency communications	Unlimited

Type	Number per building or lot, plus standards if any
Residential-type UHF/VHF, radio, and compact satellite dish antennas, measuring less than 20 inches in diameter.	Two
Dish antennas up to four feet in diameter and eight feet in height.	One, located on the principal building or on the ground. If located on a building, the antenna must be located on the roof and be set back from the edge of the roof a distance equal to at least its height above the roof. Antennas may not be placed in a front yard. Screening is required when a ground mounted antenna is visible from a public way or surrounding property when viewed from ground level.
Whip antennas up to 2.5 inches in diameter with a mounted dimension no longer than 12 feet in any direction.	One
Towers	
Amateur radio stations licensed by the Federal Communications Commission (Ham radio).	One. Any tower must be located a distance of one foot from a property line for each foot of tower height.

B. Special Exception

1. The Board of Appeals may permit a special exception for antennas and amateur radio stations with numerical limitations and standards different from those set forth in the table in this section.
2. An application for a special exception must include information sufficient to understand the application including a thorough explanation of why the antenna or amateur radio station tower is needed and cannot be provided or developed under the accessory use provisions in this section.
3. The Board of Appeals may require a review of the needs study by an independent consultant of its choosing, cost of the review to be borne by the applicant.

21.64.050 Antique stores

- A. This use may be provided only on a ground floor.
- B. New construction, expansion or substantial rehabilitation shall not provide commercial or retail uses greater than fifty percent of a structure's gross floor area.
- C. Where this use is established on lots less than 5,400 square feet in size, all trash and refuse shall be stored in self-enclosed trash storage areas. Trash storage areas shall be screened in an appropriate manner using a board-on-board enclosure.

21.64.060 Apartment hotels

- A. In apartment hotels containing 40 or more dwelling units the following uses are permitted: restaurants, drugstores, retail food shops, valet shops, beauty shops, barbershops, gift shops and physical health facilities (including massage, steam bath, gym).
- B. The uses in subsection A. shall be accessible only through the lobby, with no advertising or display visible from outside the building.

21.64.070 Arts and crafts stores

- A. This use may be provided only on a ground floor.
- B. New construction, expansion or substantial rehabilitation shall not provide commercial or retail uses greater than fifty percent of a structure's gross floor area.
- C. Where this use is established on lots less than 5,400 square feet in size, all trash and refuse shall be stored in self-enclosed trash storage areas. Trash storage areas shall be screened in an appropriate manner using a board-on-board enclosure.

21.64.080 Arts and crafts studios

- A. This use may be provided only on a ground floor.
- B. New construction, expansion or substantial rehabilitation shall not provide commercial or retail uses greater than 50 percent of a structure's gross floor area.
- C. Where this use is established on lots less than 5,400 square feet in size, all trash and refuse shall be stored in self-enclosed trash storage areas. Trash storage areas shall be screened in an appropriate manner using a board-on-board enclosure.

21.64.090 Bake shops

See Food and beverage-related uses.

21.64.100 Banks and and financial institutions

This use is not permitted in any part of the B1 district on or adjacent to Annapolis Street.

21.64.110 Bed and breakfast homes

- A. **C1, C1A, R2-Neighborhood Conservation, R3-Neighborhood Conservation 2, and Office and Commercial Design Overlay districts:**
 - 1. Number and location of bed and breakfast homes:
 - a. **C1, C1A, R2-Neighborhood Conservation, and Office and Commercial Design Overlay districts:**
 - i. For each side of a block between two intersecting streets there shall be no more than two bed and breakfast homes.
 - ii. No two bed and breakfast homes shall be located on adjacent properties with the exception of any bed and breakfast homes holding a valid, current license issued by the city pursuant to Chapter 17.44 as of June 20, 1994.
 - iii. No bed and breakfast home shall be located in an attached dwelling with the exception of any bed and breakfast homes holding a valid, current license issued by the city pursuant to Chapter 17.44 as of June 20, 1994.

- iv. In the C1 and C1A districts, in the case of a license for a bed and breakfast home holding a valid, current license issued by the city pursuant to Chapter 17.44 as of June 20, 1994, nothing in this Zoning Code shall preclude the renewal or transfer of that license.

b. R3-Neighborhood Conservation 2 district:

- i. There shall be no more than one bed and breakfast home for every block on any street located in the district and no two bed and breakfast homes shall be located on adjacent properties.
 - ii. No bed and breakfast home shall be located in an attached or multi-family dwelling.
2. The individual recorded owner of the property shall be the operator of the bed and breakfast and reside on the premises. No resident managers shall be allowed to operate a bed and breakfast.
 3. The number of guests shall not exceed the maximum allowed by the life safety code.
 4. There shall be only one kitchen within the entire dwelling. No cooking facilities are permitted in guest rooms.
 5. No food or beverage service may be provided for transient guests other than breakfast provided in the areas of the dwelling commonly used by the resident family for the consumption of food.
 6. Bed and breakfast homes shall not have a separate apartment within the entire dwelling or on the subject property such as a carriage house, garage, etc.
 7. Bed and breakfast homes shall have interior stairs to serve all habitable living spaces within the entire dwelling including basements and attics, except that this provision does not apply in the C1 or C1A districts to any bed and breakfast homes holding a valid, current license issued by the city pursuant to Chapter 17.44 as of June 20, 1994.
 8. The owner(s) of record of the property shall obtain a rental license from the Department of Neighborhood and Environmental Programs.
 9. The resident owner shall keep a current guest register including names, addresses and dates of occupancy of all guests available for inspection by the licensing agency.
 10. The use shall be subject to all applicable city code regulations including but not limited to building, fire, and health regulations.
 11. Special provisions for the R2-Neighborhood Conservation and R3-Neighborhood Conservation 2 districts:
 - a. The bed and breakfast use shall be subordinate and incidental to the principal residential use of the property and located within an existing structure.

- b. Bedroom rental units may not occupy more than 60 percent of the living space of the dwelling.
 - c. The applicant for a bed and breakfast license shall post a public notice on the property indicating that a bed and breakfast license for the property is being sought. This sign shall contain such information as may be required by the Planning and Zoning Director shall be posted for a period of not less than ten days.
 - d. Parking
 - i. Required off-street parking may be provided within an existing garage, driveway or parking area.
 - ii. Where feasible, parking areas shall be provided at the rear or side of the property, but in no case may parking be provided in an established front yard.
 - iii. When located next to a residence, parking shall be screened and maintained with dense planting or other appropriate screening to buffer the parking from abutting properties subject to the provisions of Chapter 21.62.
12. In the R2-Neighborhood Conservation district no bed and breakfast license is required for special events including multi-day graduation events and multi-day boating event and other similar events as determined by the Planning and Zoning Director.

B. R3-Neighborhood Conservation

This use is permitted in principal structures existing on October 10, 1988 [CG17]subject to the standards in this section. A structure may be enlarged by a maximum of 50 percent of the overall floor area existing on October 10, 1988 to maintain classification as an existing structure. Enlargements in excess of fifty percent shall be considered new construction.

- 1. An owner shall live on the premises,
- 2. The facility shall be part of the dwelling unit and have no more than one nonresident employee,
- 3. No separate kitchens shall be provided,
- 4. No food or beverage service may be provided for transient guests other than breakfast provided in the areas of the dwelling commonly used by the resident family for the consumption of food,
- 5. Notwithstanding the definition of bed and breakfast home in Division VI, a maximum of six guest rooms are allowed with no maximum duration-of-stay restrictions.
- 6. Adequate access and egress shall be provided.
- 7. Parking.
 - a. Where feasible, parking areas shall be provided at the rear of the site. Parking may not be located in an established front yard.

- b. All parking areas shall be screened in accordance with the standards set forth in Chapter 21.62. When located next to single-family residential use, dense plantings to provide an effective 50 percent screen shall be installed and maintained.

21.64.120 Bed and breakfast home in a structure constructed or erected after December 14, 1998 on a vacant lot of record

Where this use is established after the fifth anniversary of the structure's original occupancy permit, the use may be permitted as a matter of right subject to the standards for bed and breakfast homes in the R2-Neighborhood Conservation district

21.64.130 Candy stores including candy making

See Food and beverage-related uses.

21.64.140 Catering establishments

See Food and beverage-related uses.

21.64.150 Christmas tree and greens sales

- A. Sales are allowed only on a seasonal basis.
- B. No permanent structures shall be erected in conjunction with the sales.
- C. Portable tables and umbrellas may be utilized for the sales.
- D. Site design review under Chapter 21.62 is required.
- E. Where it can be demonstrated that there is no negative impact on the availability of parking for such other uses as may occupy the site, an adjustment to the parking requirement may be granted at the discretion of the Planning and Zoning Director in order to utilize those parking spaces for the temporary use.
- F. No use may be made of buffers for sales.
- G. The Department of Planning and Zoning may establish requirements for hours of operation, refuse removal and deliveries.
- H. Refuse containers shall be provided and the cleanliness of the site and adjacent areas, as defined by the Department of Planning and Zoning, shall be maintained.

21.64.160 Clubs, lodges and meeting halls, with on-premises food or beverage preparation facilities

See Food and beverage-related uses.

21.64.170 Coffee shops

- A. Delicatessens are subject to the general standards for Food and beverage-related uses.
- B. In the BCE district outdoor dining may be permitted.

21.64.180 Convenience res[CG18]

- A. Convenience stores shall comply with the standards for Food and beverage-related uses.
- B. In the B1, B2, B3, B3-CD districts, and the BCE district without a special exception, the use is limited to 4,000 square feet gross floor area and 200 square feet of area devoted to food preparation.

21.64.190 Day care, family

- A. Operators of family day care homes must be residents of the principal building on the zoning lot, and not more than one nonresident of the zoning lot may be employed in the family day care home at any given time;
- B. No off-street parking provided for a family day care shall be located in a required front yard. In the instance of a family day care home in the R1, R1-A, R1-B, R2, and R2-Neighborhood Conservation districts involving a nonresident employee, one additional off-street parking place shall be provided;
- C. No family day care shall create noise, dust, vibrations, smells, smoke, glare, electrical interference, fire hazard, or other hazard or nuisance to any greater or more frequent extent than that usually experienced in the district on residentially used zoning lots where no family day care home exists;

21.64.200 Day care centers, up[CG19]

- A. There shall be provided 37.5 square feet of usable outdoor recreation area for each child that may use the space at any one time. Such usable outdoor recreation area shall be identified on the site plan and shall be sufficiently buffered from adjacent residential areas. Usable outdoor recreation area shall be limited to:
 - 1. Those areas that are not covered by buildings, structures or required off-street parking spaces,
 - 2. That area outside the limits of the required front yard and all transitional yards,
 - 3. Only that area which is developable for active outdoor recreation purposes, and
 - 4. An area which occupies no more than eighty percent of the combined total areas of the required rear and side yards.
- B. The use shall comply with Article 88A of the Annotated Code of Maryland and the State Department of Human Resources regulations regarding group day care centers.

- C. All such uses shall be located so as to permit the safe pick-up and delivery of all persons on the site.

21.64.210 Day care centers, group, in conjunction with public school facilities or with a principal religious institution

- A. The use is subject to review and approval by the Department of Planning and Zoning.
- B. A minimum usable outdoor recreation area of 50 square feet per child shall be provided. Such area shall be located to ensure a safe and secure play area and be sufficiently buffered from adjacent residential areas.
- C. A safe on-site drop-off and pick-up area shall be provided.
- D. Adequate on-site parking sufficient to accommodate the users of the facility shall be provided, with signage to reserve spaces for the day care center.
- E. The center shall comply with all the licensing requirements under Article 88A of the Annotated Code of Maryland.

21.64.220 Delicatessens

Delicatessens are subject to the general standards for Food and beverage-related uses. The following additional standards apply:

- A. Delicatessens may not have bars, dancing, live entertainment, or drive-in windows.
- B. The service of alcoholic beverages shall be limited to beer and wine only, served on premises with meals, or sold prepackaged for off-premises consumption.
- C. In the WMI-district, delicatessens are only permitted as an accessory use, and are limited to 1,000 square feet gross floor area.
- D. In the WME-district, delicatessens are only permitted as an accessory use on lots greater than 10,000 square feet in area, and are limited to 1,000 square feet gross floor area.

21.64.230 Drive-through facilities associated with permitted or special exception uses

Drive-through facilities are permitted only in association with banks and financial institutions.

21.64.240 Dwellings, multi-family

A. BCE district

1. Retail and/or Office Use Required

Retail and/or office use shall be required as an integral component of a multi-family residential project and the project design shall allow for such uses on the ground floor.

2. Multiple structures on a zoning lot

Consistent with Section 21.60.030, a multi-family residential use may contain more than one principal residential building, including a building containing a mix of residential and other BCE district uses, on a zoning lot.

3. Parking and loading

- a. Structured parking may be permitted as a component of a multi-family development.
- b. Sufficient street-level parking shall be provided to accommodate commercial uses and office visitors.
- c. Parking spaces wherever reasonably possible shall be located in the rear or interior courtyard or plaza areas; if structured parking is provided then it shall be screened by buildings or landscaped wherever reasonably possible.
- d. Notwithstanding the provisions of Chapter 21.66, off-street loading facilities for a multi-family development and other BCE uses developed in conjunction therewith may be provided in the front yard of the lot.

4. Streetscape and Planting

- a. The streetscape shall be of an urban character with street trees, street lighting, controlled pedestrian crossings, dedicated bicycle facilities, benches and other streetscape elements.
- b. Public courts and plazas shall be open to the street or connect to pedestrian walkways. Such areas shall be well planted and shall be paved for pedestrian circulation.
- c. Pedestrian traffic through and around the use shall be separated from driveways and parking areas through the use of sidewalks, pathways, crossings and other marked pedestrian ways.
- d. Sidewalks along streets designated as major or minor arterial in the comprehensive plan shall be a minimum of 15 feet wide; sidewalks along all other streets shall be a minimum of 12 feet wide.
- e. Buffer areas adjacent to public streets shall have street trees a minimum of 35 feet on-center and a maximum of 45 feet on-center along with planting beds buffering pedestrians from vehicular traffic.
- f. Pedestrian features such as benches, lighting and pavers shall be designed in a consistent manner.
- g. Interior courtyards, boulevards and plaza areas shall be adequately landscaped, and include adequate sitting areas.
- h. A Planting Soils Improvement Plan shall be reviewed and approved prior to the issuance of grading permits, sufficient to provide for the long term health of all plantings and to meet the principles and recommendations for soils for urban tree

plantings outlined in “Architectural Graphic Standards 10th Edition”, pages 178 through 182, published by John Wiley & Sons, 1998.

5. Lighting

An exterior lighting plan, including a fixture schedule, shall be provided, that shall insure that site lighting is designed at appropriate levels to achieve public safety without creating excessive glare or high intensity. High pressure sodium (yellow-orange) shall be prohibited for exterior use, and for the interior use in parking areas where the lighting is visible from the outside. A reduction in lighting intensity may be required after installation if a determination is made that the lighting is too bright or creates excessive glare.

6. Building and Architecture

For the purpose of achieving a high quality level of design while also providing flexibility for creative design solutions, the following building and architectural standards shall apply:

- a. Buildings shall be designed with a diversity of architectural styles that enhance the visual identity and integrity of this important gateway to the city of Annapolis;
- b. Street facing facades shall provide several pedestrian access points;
- c. Buildings, rather than parking, shall be generally oriented towards adjacent public streets creating an active, urban-type frontage;
- d. Mixed-use buildings fronting on an arterial street shall provide opportunities for ground-floor retail or other commercial space with residential, hotel or office uses above;
- e. Buildings with ground-floor retail shall have all retail entrances facing the public or private streets or interior courtyards or plazas of the site;
- f. The ground floor shall be differentiated from the upper floors to establish a distinct base for the building;
- g. The exterior facades of the building shall be articulated in a human scale;
- h. The mass of large scale building shall, where possible, be divided into smaller elements or parts to minimize any negative impact on adjacent streets;
- i. Buildings shall be constructed of quality, durable materials appropriate to the vernacular architecture of Annapolis, including brick, stone, wood and/or concrete;
- j. The visibility of all parking facilities from any street or residential zoning district shall be minimized whenever possible.
- k. Visible facades of parking facilities shall be designed to be compatible with the architectural character of surrounding structures.
- l. The applicant shall explore the possibility of utilizing green roof technology, unless proven not commercially feasible, as determined by Planning and Zoning Director.

7. Traffic impact

A traffic impact study is required, pursuant to Section 21.62.090.

8. Common open space

Permanent usable common open space equal to a minimum of ten percent of the lot area shall be identified and dedicated for passive recreational activities or limited active recreation, subject to the following requirements:

- a. The area required for parking lot landscaping or buffers shall not be included in the common open space calculation.
- b. The area of each parcel of common open space shall be of such minimum dimensions as to be functionally usable.
- c. Common open space areas shall be convenient to the dwelling units they are intended to serve.
- d. Up to 50 percent of the common open space may include community meeting rooms and indoor recreational facilities, such as club houses and exercise facilities.
- e. Any area dedicated for open space purposes shall be described in appropriate subdivision dedications, covenants and/or deed restrictions approved by the city attorney which demonstrate that:
 - i. The use of the common open space shall continue for the life of the project for the purpose specified;
 - ii. Appropriate provisions shall be made for the maintenance of the common open space areas; and
 - iii. Common open space areas shall not be used for a commercial enterprise admitting the public for a fee.
- f. The type of ownership of land dedicated for common open space purposes shall be selected by the owner, developer or subdivider, subject to the approval of the Planning and Zoning Director . Type of ownership may include, but is not limited to the following:
 - i. The city, subject to the acceptance of the City Council;
 - ii. Homeowner, condominium or cooperative associations;
 - iii. Shared, undivided interest by all property owners;
 - iv. The project owner.
- g. The owner of the common open space shall be responsible for its continuing upkeep and proper maintenance.

9. Subdivision plat

- a. Notwithstanding any other provisions of the city code to the contrary, a subdivision plat in accordance with the requirements of Title 20 shall be approved by the Planning Commission.
- b. Notwithstanding the provisions of Section 20.08.030, an administrative exemption to the subdivision plat shall not be allowed.
- c. In approving the subdivision plat, the Planning Commission shall determine that the design and development of the project is in compliance with all applicable goals and policies of the comprehensive plan and any legislatively adopted sector studies or other legislatively adopted planning studies for the area in which the project is located.
- d. **Modifications to standards.** In acting upon the subdivision plat, the planning commission shall have the authority to modify any of the foregoing standards or other BCE development standards, provided the Planning Commission shall find based on the evidence presented in each case that the proposed modification to the standard complies with all of the following criteria:
 - i. The objectives underlying the standards can be met without strict adherence to them;
 - ii. Because of peculiarities in the parcel of land to be developed or the facilities proposed, it would be unreasonable to require strict adherence to the standards;
 - iii. The modification is in the public interest and is necessary in order to further the purposes of the BCE district; and
 - iv. The modification is in compliance with all applicable goals and policies of the comprehensive plan or other legislatively adopted planning studies for the area in which the project is located.

10. Modifications to approved site development plan

All substantive changes or modifications to the approved site development plan shall require review and approval by the Planning Commission in accordance with the criteria for modifications to standards in previous subsection 9.d. for subdivision plat approval.

B. C1  rict[CG20]

- 1. In addition to proposed new uses, the following uses require special exception approval:
 - a. Any change or expansion of the bulk or any structural modifications, including extensions, enlargements or alterations which increase or decrease the floor area of a particular use, or
 - b. The expansion or extension of a special exception for part of a building or structure, the remainder of which is utilized for a use permitted in the district.
- 2. The gross floor area of a dwelling unit on an individual lot of record may be expanded by up to 20 percent of the total floor area, provided the proposed addition complies with all

other requirements of the district and provided that no previous expansion has been granted pursuant to this section.

C. MX district

1. On lots of 40,000 square feet or greater, permanent usable common open space equal to ten percent of the lot area shall be identified and dedicated for passive recreational activities or limited active recreation. In the case of attached units, each unit shall have an individual rear yard which may be included in calculating the required common open space. The area required for parking lot planting or buffers shall not be included in the open space calculation.
2. Pedestrian traffic through and around the use shall be separated from driveways and parking areas through the use of sidewalks.
3. If surface parking is located on the zoning lot, it shall be located at the rear of the zoning lot and new structures shall be located at the front of the zoning lot.
4. If surface parking located on the zoning lot is adjacent to single-family residential use, dense plantings shall be installed and maintained on the zoning lot to provide an effective screen.

21.64.250 Dwellings, multi-family containing six or fewer dwelling units

This use is permitted in principal structures existing on October 10, 1988 subject to the standards in this section. A structure may be enlarged by a maximum of 50 percent of the overall floor area existing on October 10, 1988 [CG21] to maintain classification as an existing structure. Enlargements in excess of 50 percent shall be considered new construction.

- A. Permanent usable common open space, as required, shall be identified and dedicated for passive recreational activities [CG22].
- B. All trash and refuse shall be stored in self-enclosed trash storage areas. Trash storage areas shall be screened in an appropriate manner using a board-on-board enclosure.
- C. Pedestrian traffic through and around the project shall be separated from driveways and parking areas.
- D. Parking.
 1. Where feasible, parking areas shall be provided at the rear of the site. Parking may not be located in an established front yard.
 2. Parking areas shall be screened in accordance with the standards set forth in Chapter 21.62. When located next to single-family residential use, dense plantings to provide an effective 50 percent screen shall be installed and maintained.

21.64.260 Dwellings, multi-family, containing 12 or fewer units

This use is permitted when it is provided above the first floor in conjunction with office or commercial uses and is subject to the following standards:

- A. All trash and refuse shall be stored in self-enclosed trash storage areas. Trash areas shall be screened in an appropriate manner using a board on board enclosure.
- B. Permanent common open space shall be provided for multifamily uses. The permanent common open space shall be used for either:
 - 1. Passive recreational amenities such as outdoor eating; and/or
 - 2. Recreational space for limited active recreational activities.
- C. Pedestrian traffic through and around the project shall be separated from driveways and parking lots through the use of sidewalks.
- D. Parking areas shall be provided at the rear of the site and structures shall be located at the front of the site.

21.64.270 Dwellings, single-family attached

- A. In the MX district this use is subject to the same standards as apply to multi-family dwellings in the MX district.
- B. In the C1 district this use is subject to the same standards as apply to multi-family dwellings in the C1 district.

21.64.280 Reserved

21.64.290 Dwellings, two-family

In the C1 district this use is subject to the same standards as apply to multi-family dwellings in the C1 district.

21.64.300 Food and beverage-related uses

A. Applicability

The standards in this section apply to the following uses:

- 1. Bake shops,
- 2. Candy stores including candy making,
- 3. Catering establishments,
- 4. Clubs, lodges and meeting halls, with on-premises food or beverage preparation facilities,
- 5. Coffee shops,
- 6. Convenience stores,
- 7. Delicatessens,

8. Fast food restaurants
9. Food service marts,
10. Ice cream stores,
11. Markets, open air,
12. Standard restaurants, and
13. Supermarkets.

B. Site Plan

A site design plan for the use is required pursuant to Chapter 21.22.

C. Noise

Noise emanating from the use shall not be of such a volume to disturb the quiet and enjoyment of property in any nearby residential zoning districts.

D. Loitering

Loitering is not permitted around the exterior of the use.

E. Kitchens and food preparation areas

Kitchens and food preparation areas shall be designed, maintained and operated in a manner to minimize noise and odors, and to eliminate grease flows into city sewers in strict adherence to the city's plumbing code. An outdoor spigot shall be installed if required.

F. Related plans

The use shall comply with the City's Comprehensive Plan and any sector plans applicable to the area where the use will be located.

G. Trash

1. All trash and refuse shall be stored in self-enclosed trash storage areas. These trash storage areas shall be located either within the establishment or within the structure on which the establishment is located, or shall consist of a properly screened and maintained dumpster on the property on which the establishment is located.
2. Except where trash is placed in accordance with paragraph F.1 of this section, trash receptacles shall not be placed outside for pick-up until one-half hour prior to the scheduled pick-up time and shall be removed within one-half hour after trash pick-up.
3. The cleanliness of all trash storage areas and all sidewalks adjoining the establishment shall be maintained.

H. C2 and C2A districts.

In the C2 and C2A districts, the following standards apply:

1. No food service establishment shall be allowed in a building which fronts on, or whose side yard is contiguous with, residential use on the following streets:
 - a. Prince George Street;
 - b. Randall, between Dock Street and King George;
 - c. Cornhill Street;
 - d. Fleet Street;
 - e. Green Street;
 - f. Upper Duke of Gloucester Street from Church Circle to a point on Duke of Gloucester Street 215 feet from the centerline of Church Circle;
 - g. Newman Street;
 - h. St. Mary's Street; and
 - i. Maryland Avenue between Prince George and King George Streets.
2. The provisions of subsection 1. above shall not apply to restaurant/ food service and bars existing as of June 13, 1994.
3. Revenues from alcohol sales shall not exceed 50 percent of total revenues. This limitation shall not apply to restaurants existing prior to June 13, 1994. All restaurants, established after June 13, 1994, shall report annually the ratio of food revenues to total revenues.
4. Restaurants serving alcoholic beverages may not remain open beyond 12:00 midnight. The limitation contained in this section shall not apply to (i) any restaurant licensed to remain open beyond 12:00 midnight as of June 13, 1994 and (ii) any restaurant that shall become licensed to remain open beyond 12:00 midnight as a result of a special exception permit granted after June 13, 1994 provided said special exception permit was applied for before September 27, 1993.
5. **Expansion**
 - a. All proposed expansions of restaurants are subject to the special exception process of this Zoning Code, however restaurants existing as of June 13, 1994 shall not be required to provide the report described in subsection H.3. of this section for its expansion.
 - b. The expansion of a restaurant established after June 13, 1994 is subject to subsection H.4 of this section. The 12:00 midnight limitation of subsection H.4 shall not apply to the expansion of:
 - i. Restaurants licensed to remain open beyond midnight as of June 13, 1994; and

- ii. Any restaurant that shall become licensed to remain open beyond 12:00 midnight as a result of a special exception permit granted after June 13, 1994 provided special exception was applied for before September 27, 1993.

21.64.310 Food service marts

Food service marts are subject to the general standards for Food and beverage-related uses. The following additional standards apply:

- A. Bars, dancing or live entertainment are not permitted.
- B. The service of alcoholic beverages is limited to beer and wine only and sold prepackaged for off-premises consumption.
- C. The service of food items for immediate consumption, off the premises, may occur accessory to the principal use.
- D. In the WMI district, this use is only permitted as an accessory use and is limited to 1,000 square feet gross floor area.
- E. In the WME district, this use is only permitted as an accessory use on lots greater than 10,000 square feet in area, and is limited to 1,000 square feet gross floor area.

21.64.320 Garden supply, tool and seed stores

All business must be conducted indoors.

21.64.330 Home occupations

- A. **Area.** The total floor area utilized for the occupation, including both indoor and outdoor areas, shall not exceed 25 percent of the total floor area of the dwelling unit.
- B. **Operators.** Operators of a home occupation must use the principal building on the zoning lot as their primary residence.
- C. **Employees.** Not more than one nonresident of the zoning lot may be employed in a home occupation.
- D. **Permitted occupations.** Home occupations may include the uses listed below:
 - 1. Arts and crafts studios,
 - 2. Beauty parlors limited to one chair, this use is permitted in the R3-Revitalization and the R4-Revitalization districts only,
 - 3. Business and professional offices,
 - 4. Computer services,
 - 5. Dressmaking, tailoring and similar uses,

6. Photography studios,
 7. Repair services for bicycles, cameras, clocks, computers, jewelry, or small appliances,
 8. Tutoring, including music and dance, and
 9. Other similar uses consistent with the provisions of this section.
- E. **Prohibited occupations.** The following uses are not permitted as home occupations:
1. Beauty parlors including hairdressing, except as otherwise permitted in this section,
 2. Food preparation services including catering,
 3. Furniture refinishing,
 4. Rental services,
 5. Manufacturing and processing operations other than the production of arts and crafts,
 6. Motor vehicle sales, repair or painting; and
 7. Other uses inconsistent with the provisions of this section.
- F. **On premise sales.** Home occupations shall not sell goods on the premises in the same form as that in which the goods are purchased by the operators; and only articles or services produced on the premises shall be displayed or sold.
- G. **Appearance and character.** A home occupation shall not alter the residential appearance and character of the dwelling, accessory building, or zoning lot.
- H. **Exterior evidence.** There shall be no exterior evidence, other than a sign, to indicate that the lot is being used for any purpose other than that of a dwelling. Exterior evidence shall include outdoor display or storage of merchandise or of service vehicles, noise, dust, vibration, glare, fumes, odors or extensive parking area.
- I. **Parking.** No off-street parking provided for a home occupation shall be located in a required front yard

21.64.340 Hotels with up to 40 rooms, including restaurants and conference room facilities

- A. Parking shall be provided either on the zoning lot, or off of the zoning lot; provided a valet parking drop-off station is located on the zoning lot or a combination of both.
- B. If surface parking is located on the zoning lot, it shall be located at the side and/or the rear of the zoning lot and new structures shall be located at the front of the zoning lot. If surface parking located on the zoning lot is adjacent to single-family residential use, dense plantings shall be installed and maintained to provide an effective screen on the zoning lot.

- C. Pedestrian traffic through and around the use shall be separated from driveways and parking areas through the use of sidewalks.
- D. Food service shall be subject to the standards for Food and beverage-related uses.

21.64.350 Ice cream stores

- A. Ice cream stores are subject to the general standards for Food and beverage-related uses.
- B. Ice cream stores are limited to 2,000 square feet of gross floor area.
- C. The sale of non-ice cream food items for consumption off the premises, other than beverages, is not permitted.

21.64.360 Inns

The purpose of the inn special exception where subject to standards is to promote the preservation of large parcels of residentially zoned land by allowing appropriately located property to be developed as an inn through the special exception process. It is intended that these inns shall be located in existing structures on a parcel of land of sufficient size that the impacts of the use will be minimized. Because this section will allow the commercial use of residentially zoned property, special exception approval is subject to additional specific findings contained in this section. Development of an inn must ensure compatibility with the character of the surrounding area, in addition to other applicable standards. The following are the minimum standards which must be met before a property may be considered for a special exception as an inn.

- A. **Existing structure.** The inn shall be located in a single family detached dwelling on a lot of record, provided both exist as of January 13, 1997. No new dwelling or lot may be created for purpose of this use and no dwellings may be demolished for the purpose of this use.
- B. **Road Access.** The lot shall have access to a collector or arterial street without going through an established residential community or neighborhood.
- C. **Signs.** Signs shall be compatible with the character of the underlying zone.
- D. Site design plan review is required.
- E. All alterations and additions to the existing dwelling shall preserve the character and design of the existing dwelling.
- F. **Accessory structures.** In addition to the requirements of the underlying zone, the bulk of accessory structures shall be regulated as follows:
 - 1. The height of accessory structures shall not exceed the height of the principal structure.
 - 2. Accessory structures within two feet of any property line except rear property lines adjacent to an alley shall have a cornice height not to exceed eight feet and a ridge height of 16 feet. Where there are physical constraints or in order to achieve compatible design a two foot tolerance to the cornice height and a four foot tolerance to the ridge height may be permitted.

3. The cornice and ridge heights of an accessory structure may increase one foot for each one foot of additional setback beyond two feet up to a maximum height of two stories and/or a cornice height of 16 feet and a ridge height of compatible design.

G. Parking

1. Parking facilities are subject to the provisions of Chapter 21.66.
2. Parking area shall be designed so as to minimize any impact on adjacent properties.
3. Parking is not permitted in an established front yard.
4. Where feasible, the parking area shall be provided at the rear of the site.
5. When located next to a single-family residential use, dense planting to provide an effective 50 percent screen shall be installed and maintained.

21.64.370 Institutions for the care of the aged

- A. The scope and type of services and facilities required will be as determined appropriate for the specific institution and subject to a determination by the authority approving the use that the amenities and services will meet needs of the residents, pursuant to the definitional requirements for this use established in Division VI [CC 23].
- B. All facilities and services provided by the institution shall meet the definition of accessibility prescribed by the Americans with Disabilities Act (ADA) and all residential or living units of the facility shall meet the ADA definition of adaptability.

21.64.380 Markets, open air

See Food and beverage-related uses.

21.64.390 Maritime retail

This use is limited to 25 percent of the gross floor area of development on the lot.

21.64.400 Medical appliance stores

- A. This use may be provided only on a ground floor.
- B. New construction, expansion or substantial rehabilitation shall not provide commercial or retail uses greater than 50 percent of a structure's gross floor area.
- C. Where this use is established on lots less than 5,400 square feet in size, all trash and refuse shall be stored in self-enclosed trash storage areas. Trash storage areas shall be screened in an appropriate manner using a board-on-board enclosure.

21.64.410 Mooring slip or dock, private

One slip per 25 feet of waterfront owned is permitted, but not less than one slip as in the case of a lot with less than 25 feet of waterfront[CG24].



21.64.420 Neighborhood convenience shopping uses in the PM2 District

- A. **Applicability.** The standards in this section apply to the following uses:
 - 1. Food stores,
 - 2. Personal care establishments,
 - 3. Retail goods stores, and
 - 4. Specialty convenience retail goods stores.
- B. A site design plan for the use is required.
- C. Appropriate sound suppression techniques shall be employed to ensure that the level of noise emanating from within any establishment will not disturb the quiet and enjoyment of property in any nearby residential zoning districts.
- D. Loitering is not permitted around the exterior of any use.
- E. Kitchens shall be designed, maintained and operated in a manner to minimize noise and odors.
- F. Within an establishment live entertainment is not allowed and any recorded music shall be limited to background variety only.
- G. Hours of deliveries shall be limited, to the extent feasible, based upon proximity of the development to residential land uses and if commercial vehicles require the use of primarily residential roadways to access the commercial development.
- H. Drive-through windows are only permitted upon the preparation and approval of a traffic-impact study and the mitigation of identified impacts.
- I. **Trash**
 - 1. All trash and refuse shall be stored in self-enclosed trash storage areas. These trash storage areas shall be located either within the establishment or within the structure on which the establishment is located, or shall consist of a properly screened and maintained dumpster on the property on which the establishment is located.
 - 2. Except where trash is placed in accordance with paragraph 1 of this Section, trash receptacles shall not be placed outside for pick-up until one-half hour prior to the scheduled pick-up time and shall be removed within one-half hour after trash pick-up.
 - 3. The cleanliness of all trash storage areas and all sidewalks adjoining the establishment shall be maintained.

21.64.430 Offices, business and professional, and nonprofit, educational, cultural, or civic

- A. **B1 district.** In the B1 district, business and professional offices are permitted only above the ground floor of other permitted uses. Offices of nonprofit educational, cultural or civic organizations are permitted on the ground floor.
- B. **P district.** In the P district, this use is permitted by right on lots of 5,400 square feet or more. On lots less than 5,400 square feet the use may be permitted by special exception.
- C. **PM district.** In the PM district, when this use is established on lots less than 5,400 square feet, the following standards apply:
 - 1. All trash and refuse shall be stored in self-enclosed trash storage areas. Trash areas shall be screened in an appropriate manner using a board on board enclosure.
 - 2. Pedestrian traffic through and around the project shall be separated from driveways and parking lots through the use of sidewalks.
 - 3. Parking areas shall be provided at the rear of the site and structures shall be located at the front of site.

21.64.440 Office or studio of a professional person

- A. The use shall be conducted in a building suited to residential use or conforming in appearance to a building suited to residential use,
- B. Sales, storage, or display of goods or advertising material are not permitted.

21.64.450 On-land boat storage

Where dry rack storage facilities are provided under this use, they are subject to the following standards:

- A. Facilities may not be located in a required waterway yard;
- B. Facilities are limited in height to 36 feet; and
- C. Facilities must be screened from view of a public right-of-way.

21.64.460 Parking garages

- A. Underground parking garages are a permitted use.
- B. Garages up to three levels of above-grade parking are a permitted use subject to the following standards:
 - 1. The visibility of all parking facilities from any street or residential zoning district shall be minimized whenever possible. Visible facades of parking facilities shall be designed to be compatible with the architectural character of surrounding structures.

2. Measures shall be taken to restore the vertical edge of the streetscape, as required by the Department of Planning and Zoning.
3. Parking garages in excess of three levels of above-grade parking may be permitted by special exception. The standards for garages up to three levels of above-grade parking must be met in addition to the standards for approving a special  exception[CG25].

21.64.470 Parking lots

A. MX district

1. Temporary surface parking lots not to exceed six months duration are a permitted use.
2. Surface parking other than permitted in subsection A.1. above are subject to the following standards:
 - a. A planting plan is required;
 - b. Measures shall be taken to screen the view of cars in parking lots;
 - c. A ten foot wide buffer strip at all street edges of the zoning lot shall be reserved for walls or plantings, or a combination thereof in order to screen the zoning lot; and
 - d. Plantings and any constructed edge shall be compatible in material, design and scale to the prevailing character of the street.

B. PM district

1. A planting plan is required. In cases where parking lots abut a residential zoning district additional planting or screening may be required.  [CG26].
2. All lots shall be signed in an appropriate manner to guide traffic into, around and out of the lot.

21.64.480 Parking structures as accessory to permitted maritime uses on a separate zoning lot

- A. No parking structure shall exceed 28 feet in height, measured at the highest point above existing grade level,
- B. Parking structures should be minimally visible from any street, waterway or residential zoning district. Facades of parking structures must be designed to be compatible with the architectural character of surrounding structures.
- C. All structures shall be densely planted or otherwise landscaped to provide an effective 50 percent screen.

21.64.490 Personal care establishments

- A. This use may be provided only on a ground floor.

- B. New construction, expansion or substantial rehabilitation shall not provide commercial or retail uses greater than 50 percent of a structure's gross floor area.
- C. Where this use is established on lots less than 5,400 square feet in size, all trash and refuse shall be stored in self-enclosed trash storage areas. Trash storage areas shall be screened in an appropriate manner using a board-on-board enclosure.

21.64.500 Philanthropic and charitable institutions, civic nonprofit organizations, and social and fraternal organizations

This use does not include businesses sponsored by those institutions, except businesses accessory or incidental to and located in the same building as the institution proper.

21.64.510 Planned developments

Planned developments are permitted subject to approval by the Planning Commission or by the Board of Appeals pursuant to regulations and procedures set forth in Chapter 21.24.

21.64.520 Professional offices

- A. This use is permitted only in combination with one of the following:
 - 1. A working boatyard of at least 20,000 square feet and a 30-ton boat lift,
 - 2. Seafood processing of 9,000 square feet,
 - 3. On-land boat storage of at least 25,000 square feet, or
 - 4. Yacht and sailing clubs providing in-water and on-land boat storage to their members.
- B. In structures in existence as of August 24, 1987 this use may not exceed 30 percent of the total gross floor area of development on the lot.
- C. In structures constructed after August 24, 1987 the use is also subject to the following:
 - 1. The use may not exceed 25 percent of the total gross floor area of development on the lot.
 - 2. The use is not permitted in buildings or structures within 100 feet of the waterfront or mean high waterline.

21.64.530 Restaurants, fast food

Fast food restaurants are subject to the general standards for Food and beverage-related uses. The following additional standards apply:

- A. Fast-food restaurants may have sit-down seating and delivery service, but may not provide dancing, live entertainment, the service of alcoholic beverages, or a bar.
- B. Outdoor dining may be permitted.

- C. Drive-through service may be permitted, except in the MX district.

21.64.540 Restaurants, standard

Standard restaurants are subject to the general standards for Food and beverage-related uses. The following additional standards apply:

- A. Drive-through service is not permitted.
- B. Catering or delivery service may be permitted as an accessory use.
- C. **B1, B2, B3, B3-CD, and PM districts.** In the B1, B2, B3, B3-CD, and PM districts the following standards apply:
 - 1. Where the use is permitted subject to standards:
 - a. No more than 50 seats are permitted,
 - b. Alcohol is permitted with the service of food,
 - c. Hours of operation are limited to midnight seven days a week,
 - d. Outdoor dining may be permitted, and
 - e. No bar, dancing, or live entertainment is permitted, except in the PM district wherer indoor, live, non-amplified acoustical musical entertainment may be permitted.
 - 2. In the B1 district, more than 50 seats may be permitted by special exception.
 - 3. In the B2, B3, B3-CD, and PM districts, the following may be permitted by special exception:
 - a. More than 50 seats, and
 - b. Bar, dancing, and live entertainment.
- D. **BCE and BR districts.** In the BCE and BR districts the following may be permitted:
 - 1. More than 50 seats,
 - 2. Outdoor dining, and
 - 3. Bar, dancing, and live entertainment.
- E. **MX district.** In the MX district:
 - 1. The following are permitted by right:
 - a. More than 50 seats,
 - b. Alcohol with the service of food,

- c. Outdoor dining, and
 - d. Accessory bars.
- 2. Dancing and live entertainment may be permitted by special exception.
- F. **WMC district.** In the WMC district the following standards apply:
 - 1. The use may only be provided in combination with a principal permitted use.
 - 2. The use may occupy no more than 30 percent of the total gross floor area on the lot.
 - 3. In conjunction with approval of this use the applicant shall construct and maintain a public pedestrian walkway in accordance with the standards set forth in Section 21.62.020.
- G. **WMM district.** In the WMM district the following standards apply:
 - 1. This use is permitted only in combination with one of the following:
 - a. A working boatyard of at least 20,000 square feet and a 30-ton boat lift,
 - b. Seafood processing of at least 9,000 square feet,
 - c. On-land boat storage of at least 25,000 square feet, or
 - d. Yacht and sailing clubs providing in-water and on-land boat storage to their members.
 - 2. In structures in existence as of August 24, 1987 this use may not exceed 30 percent of the total gross floor area of development on the lot.
 - 3. In structures constructed after August 24, 1987 the use is also subject to the following:
 - a. The use may not exceed 25 percent of the total gross floor area of development on the lot.
 - b. The use is not permitted in buildings or structures within 100 feet of the waterfront or mean high waterline.
- H. **WME district.** In the WME district the following standards apply:
 - 1. This use may be permitted only in combination with one of the following:
 - a. A working boatyard of at least 20,000 square feet and a 30-ton boat lift, or
 - b. Seafood processing of at least 9,000 square feet.
 - 2. The lot on which the use is proposed must be at least 20,000 square feet.
 - 3. The use may occupy no more than 2,000 square feet of gross floor area on the lot.

21.64.550 Retail sales of non maritime-related goods

A. WMC District

1. In structures in existence as of August 24, 1987 this use may not exceed 30 percent of the total gross floor area of development on the lot.
2. In structures constructed after August 24, 1987 this use may not exceed 25 percent of the total gross floor area of development on the lot.
3. In conjunction with approval of this use the applicant shall construct and maintain a public pedestrian walkway in accordance with the standards set forth in Section 21.62.020.J.

B. WMM District

1. This use is permitted only in combination with one of the following:
 - a. A working boatyard of at least 20,000 square feet and a 30-ton boat lift,
 - b. Seafood processing of 9,000 square feet,
 - c. On-land boat storage of at least 25,000 square feet, or
 - d. Yacht and sailing clubs providing in-water and on-land boat storage to their members.
2. In structures in existence as of August 24, 1987 this use may not exceed 30 percent of the total gross floor area of development on the lot.
3. In structures constructed after August 24, 1987 the use is also subject to the following:
 - a. The use may not exceed 25 percent of the total gross floor area of development on the lot.
 - b. The use is not permitted in buildings or structures within 100 feet of the waterfront or mean high waterline.

21.64.560 Sidewalk cafes

- A. Standard restaurants are subject to the general standards for Food and beverage-related uses.
- B. Sidewalk cafes are also regulated under Chapter 7.42 of this Code.

21.64.570 Specialty convenience retail stores

- A. This use may be provided only on a ground floor.
- B. New construction, expansion or substantial rehabilitation shall not provide commercial or retail uses greater than 50 percent of a structure's gross floor area.

- C. Where this use is established on lots less than 5,400 square feet in size, all trash and refuse shall be stored in self-enclosed trash storage areas. Trash storage areas shall be screened in an appropriate manner using a board-on-board enclosure.

21.64.580 Supermarkets

- A. Supermarkets are subject to the general standards for Food and beverage-related uses.
- B. In the BCE district, supermarkets may not exceed 25,000 square feet.

21.64.590 Telecommunications ilities[CG27]

- A. Telecommunications facilities are permitted accessory to the following buildings and structures:
 - 1. With government or government-related buildings or structures in any zoning district.
 - 2. With non-government structures in any zoning district such as radio and television transmission towers, monopoles, light poles, water tanks, and overhead transmission line support structures.
 - 3. With the following types of private buildings:
 - a. All buildings in non-residential zoning districts,
 - b. Non-residential buildings in residential districts, and
 - c. Multi-family buildings containing at least 12 multi-family units.
 - d. Nonconforming non-residential buildings in residential districts may have telecommunications facilities as an accessory use provided they have received Determination of Nonconforming Use Status pursuant to Section 21.68.050.
- B. Telecommunications facilities are subject to the following standards:
 - 1. **Review.** Site design plan review is required.
 - 2. **Location**
 - a. Facilities may be roof-mounted or flush-mounted.
 - b. Flush mounted antennas are subject to the following:
 - i. Minimum location height: 30 feet above ground level.
 - ii. No part of an antenna may extend above the building or structure against which it is mounted.
 - c. Roof mounted antennas are subject to the following:
 - i. Minimum building height on which the facility may be mounted:

- 1) Residential districts: 35 feet.
 - 2) Non-residential zoning districts: 30 feet.
 - 3) Government buildings in any district: 25 feet.
 - ii. The facility must be set back from roof edge a distance equal to the total mounted height above the base.
3. **Antenna types and dimensions.** The following types of antenna are permitted:
- a. Whip antennas up to 15 feet in length and three inches in diameter.
 - b. Panel antennas up to six feet in height and two feet in width.
 - c. Dish antennas up to six feet in diameter.
4. **Design.**
- a. Uses must be located to minimize to the greatest practicable extent views of the facility from the surrounding area.
 - b. The Department of Planning and Zoning may require screening, camouflaging, painting, or use of stealth structures to achieve this objective.
 - c. Facilities in the historic district must have a certificate of approval from the Historic Preservation Commission, see Chapter 21.56.
5. **Equipment buildings and cabinets.** Equipment buildings and cabinets are subject to the following:
- a. Maximum floor area: 200 square feet.
 - b. Maximum height: 12 feet.
 - c. Equipment buildings and cabinets are subject to the yard requirements for principal uses.
 - d. Equipment buildings shall be designed to blend in with the surrounding environment with attention paid to building facing, plantings, and screening.
6. **Lighting.** No lights are permitted unless required by the City or by a federal or state agency with jurisdiction.
7. **Radiofrequency emissions and interference.** An application for site design plan approval for a telecommunications facility shall include a statement indicating:
- a. Compliance with the Federal Communication Commission's regulations concerning human exposure to radiofrequency magnetic fields.
 - b. That the facility will not interfere with any local, state, or federal emergency response system.

8. **Removal.** Any use approved under this section must be removed when it is no longer in use for a period exceeding one year.

C. Special Exception

1. The Board of Appeals may permit a special exception for telecommunications facilities for the following:
 - a. Equipment buildings and cabinets with floor area, height, and yards different from those set forth in Section 21.64.590.B.5
 - b. Roof mounted facilities with a minimum building height less than those set forth in Section 21.64.590.B.2.c.
 - c. Roof mounted facilities with a setback less than a distance equal to the total mounted height above the base.
2. An application for a special exception must include information sufficient to understand the application including a thorough explanation of why the antenna or amateur radio stations tower is needed and cannot be provided or developed under the accessory use provisions in this section.
3. The Board of Appeals may require a review of the needs study by an independent consultant of its choosing, cost of the review to be borne by the applicant.

21.64.600 Temporary s[CG28]

The following temporary uses are permitted in the zoning districts indicated:

A. All zoning districts

1. Storage of building materials and equipment, and temporary buildings for construction purposes, for a period not to exceed the duration of the construction. No yards are required provided that there shall not be undue interference with the use and enjoyment of neighboring  property[CG29].
2. Use of governmental property, including the erection of a tent or other temporary structure, for a carnival, circus or other activity.
3. Use of non-governmental property for up to five days by a nonprofit, educational, cultural, or civic organization for a carnival, street fair, circus or similar activity including the erection of a tent or other temporary structure. The operator must obtain all permits required by law.
4. Model homes and real estate tract offices for rental or sale of buildings in a project. A real estate office shall be removed upon the initial sales of all units in a project.
5. Yard sales and garage sales, up to 10 days in a calendar year.

6. Use of a trailer as a temporary office or shelter incidental to construction on or development of the premises on which the trailer is located during the time construction or development is actively underway.

B. Waterfront maritime districts

Temporary festivals in conjunction with maritime uses up to 30 days duration.

21.64.610 Theaters, indoor

If surface parking is located on the zoning lot, it shall be located at the rear of the zoning lot and shall be screened from adjacent uses. If surface parking located on the zoning lot is adjacent to single-family residential use, dense plantings shall be installed and maintained to provide an effective screen.

21.64.620 Theaters, indoor, located in shopping centers

Adequate parking must be provided for the theater and for other uses in the shopping center.

21.64.630 Transient boater services

- A. This use is only permitted when such services are provided in conjunction with in-water boat storage and at least one of the following other maritime uses: seafood industrial, boat repair and maintenance or marine fabrication.
- B. In no case shall such accessory services be located within the 100-foot maritime use setback.

Chapter 21.66 Parking and Loading Regulations

Sections:

21.66.010	Parking and loading facilities required
21.66.020	Exemptions
21.66.030	Number of required parking spaces
21.66.040	Alternative parking standards
21.66.050	Location of parking spaces
21.66.060	Off-site parking facilities
21.66.070	Valet parking
21.66.080	Loading facilities where required
21.66.090	Number of required loading spaces
21.66.100	Location of loading facilities
21.66.110	Design of parking and loading facilities
21.66.120	Special parking and loading requirements applicable to certain districts or uses
21.66.130	Table of Off-Street Parking Requirements

21.66.010 Parking and loading facilities required

- A. **Facilities required.** Except as set forth below under exemptions, accessory off-street parking and loading facilities shall be provided as required by this Chapter for all buildings, structures and uses of land established after the effective date of this Zoning Code.
- B. **Facilities to be maintained.** Accessory off-street parking and loading facilities located on the same lot as the building or use served may not be reduced below, or if already less than, may not be further reduced below, the requirements for a similar new building or use.
- C. **Use of required off-street parking spaces.** Required accessory off-street parking facilities shall be solely for the parking of passenger automobiles of patrons, occupants or employees of the use.
- D. **Parking and loading facilities plot plan.** For any application for a building permit, or for a use and occupancy certificate where no building permit is required, the Department of Planning and Zoning may require a plot plan, drawn to scale and fully dimensioned, showing any off-street parking or loading facilities to be provided in compliance with this Chapter.

21.66.020 Exemptions

The following uses are exempt from the parking requirements of this chapter:

- A. **Three Spaces or Less.** When the Table of Off-Street Parking Requirements requires three or less spaces on a single zoning lot in any non-residential district, the parking spaces need not be provided; however, where two or more uses are located on a single zoning lot, only one of those uses is eligible for the exemption.
- B. **Narrow Residential Lots.** On lots of record that are 33 feet or less in width, which are to be improved with a single-family detached dwelling, and for which no alley has been dedicated to the rear, accessory off-street parking facilities are not required.

21.66.030 Number of required parking spaces

A. Standards

Off-street parking spaces accessory to uses allowed in zoning districts shall be provided in accordance with the standards set forth in the Table of Off-Street Parking Requirements at the end of this Chapter.

B. Vehicles owned by or used in a business

The required spaces in the Table of Off-Street Parking Requirements shall be provided in addition to any area used for parking of vehicles owned by or used in a business[CG30].

C. Drive-in businesses

Vehicle stacking spaces shall be provided in accordance with the standards set forth in the Table of Off-Street Parking Requirements at the end of this Chapter.

D. Spaces for physically handicapped

Spaces for the physically handicapped shall be provided pursuant to the provisions of the Americans with Disabilities Act and the Maryland Accessibility Code.[CG31]

E. Bicycles

Parking spaces for bicycles shall be provided. For non-residential uses the following shall be provided:

1. One to 20 automobile spaces: one bicycle parking space.
2. For each additional 30 automobile spaces: one additional bicycle parking space.[32]

F. Collective facilities

Off-street parking facilities for separate uses may be provided collectively if the total number of spaces meets the sum of the separate requirements.

G. Shared parking

Parking spaces may serve more than one use provided documentation is provided to the satisfaction of the Planning and Zoning Director that:

1. The parking facility has sufficient capacity to meet the parking requirements of all the uses at any one time.
2. Only the number of parking spaces approved for shared use will be so used.
3. All other applicable requirements of this Chapter will be met.

H. Changes of use

1. Except as specified below under subsection 2., when the existing use of a building or structure is changed to a new use, parking and loading facilities shall be provided as required for the new use.
2. Unless otherwise provided for under the specific provisions for a particular zoning district in Division III, if a building or structure was erected prior to August 10, 1970, additional parking or loading facilities are mandatory only in the amount by which the requirements for the new use would exceed those for the existing use, if the latter were subject to the parking and loading provisions of this chapter.

I. Additions and expansions of nonresidential property

When the intensity of use of nonresidential property is increased, additional parking facilities need be provided only for the increase in intensity of use. Intensity of use means increases in measures such as gross floor area, seating capacity, addition of dwelling units, or other units of measurement specified in this Zoning Code for required parking facilities.

J. Expansion or alteration of residential buildings

When a residential building, with the exception of a single-family detached dwelling, is expanded or altered, required parking facilities shall be provided on the basis of the total required units of measurement for the entire capacity of the building.

K. Reconstructed or reestablished uses

A nonconforming structure or use that has been damaged or destroyed by fire, explosion, or other causes and which is restored, repaired, or rebuilt shall provide parking or loading facilities equivalent to any maintained at the time of the damage or destruction. However, it is not necessary to restore or maintain parking or loading facilities in excess of those required by this Chapter for equivalent new uses or construction.

21.66.040 Alternative parking ndards[CG33]

- A. Reasonable and appropriate off-street parking requirements for structures and land uses which do not fall within the categories listed in the Table of Off-Street Parking Requirements or parking requirements which are different from the requirements listed in the Table may be determined in each case by the Department of Planning and Zoning.
- B. An applicant for a site design plan for a use not included in the Table of Off-Street Parking Requirements, or for a use for which the applicant proposes a parking standard different from the Table, shall submit a parking needs study as part of the site development application. The parking needs study shall include:
 1. An estimate of the parking needs for the use;
 2. A thorough explanation of the basis of the estimate; and
 3. The data used in calculating the estimate, including parking generation studies, previous experience with similar uses, or other information.

- C. In making its determination on the proposed parking standard the Department of Planning and Zoning shall consider all factors entering into the parking needs of each use.

21.66.050 Location of parking spaces

- A. Except for permitted off-site parking facilities, all parking spaces required by this Zoning Code shall be located on the same zoning lot as the building or use served.
- B. Parking in yards:
 - 1. Except as otherwise specified in this section, off-street parking spaces may be located in any front, side or rear yard.
 - 2. Off-street parking spaces are not permitted in bufferyards, transitional yards, or in waterway s[CG34].
- C. Enclosed buildings and carports containing off-street parking are subject to applicable yard requirements.
- D. No parking space serving a nonresidential use may be established within ten feet of a residential lot line.
- E. To the maximum extent practicable, parking areas shall not be located within 100 feet of the waterfront.

21.66.060 Off-site parking facilities

A. Where permitted

Off-site parking facilities may be permitted as follows:

- 1. Where listed as permissible in the Use Tables in Chapter 21.48,
- 2. Where specifically listed as permissible for uses subject to standards in Chapter 21.64 of this Zoning Code,
- 3. Where needed to serve an industrial use or building,
- 4. For buildings or uses requiring additional parking because of alteration or enlargement, or
- 5. For owners of property nonconforming as to parking who elect to provide parking and become conforming.

B. Requirements

- 1. **Covenants.** The off-site facility shall be subject to recorded covenants or easements for parking, or other proof shall be provided that the continued use of the facility is guaranteed throughout the life of the land use.
- 2. **Location**

- a. Unless otherwise specified in this section, off-site parking facilities must be located within 500 feet walking distance of a main entrance to the use served.
 - b. Off site facilities serving uses in the MX district must be located within 800 feet of the use.
 - c. Off site facilities to serve uses in the WMC district must be located within 2,000 feet of the use.
 - d. Off-site facilities to serve offices in the C2P and P districts must be provided within 600 feet of the office.
 - e. Off-site spaces to serve the office or studio of a professional person must be provided within 600 feet of the office or studio.
 - f. **Administrative adjustment.** The Planning and Zoning Director may increase the maximum distance that required parking spaces are permitted to be located from the use served, pursuant to the administrative adjustment authority set forth in Section 21.18.030.
3. **Requirement to maintain.** Any permit issued for a use or building with parking provided through off-site spaces becomes null and void if the required off-site spaces are not maintained or if other arrangements for the provision of the required parking are not made.

21.66.070 Valet parking

A. Location

Valet parking may only be established on parking areas that are in compliance or have been brought into compliance with the regulations of this Chapter, including the design and maintenance provisions.

B. Design and operation

1. No more than one-third of the parking spaces are required to open onto an aisle or driveway.
2. In the event that no parking attendant is available to park and unpark cars, only those parking spaces opening onto an aisle or driveway may be used.
3. Only those parking spaces opening directly onto an aisle or driveway may be used to meet the parking requirement for any use or uses served.
4. Valet parking spaces may not be used to meet off-site parking requirements of other uses or to expand or increase the use(s) for which the parking area serves.

21.66.080 Loading facilities, where required

Loading and unloading facilities shall be provided for all residential and non-residential developments including multi-family, residential institutional, industrial, office, restaurants and other places serving food and beverages, retail, and service establishments.

21.66.090 Number of required loading spaces

- A. The following guidelines shall be used by the Department of Planning in approving the loading and unloading needs for each use through the site design plan review process, Chapter 21.22:
 - 1. Developments less than 20,000 gross square feet; dedicated on-site facilities are generally not required, unless they are needed based on the needs of the specific use.
 - 2. Developments 20,000 to 40,000 gross square feet: one space.
 - 3. Developments 40,000 to 100,000 gross square feet: two spaces,
 - 4. Additional spaces may be required depending on the type of use and the frequency of need for loading and unloading.
- B. Space allocated to off-street loading may not be used to satisfy off-street parking requirements.
- C. **Additions and expansions to existing uses.** When the intensity of use of a property is increased through measures such as gross floor area or addition of dwelling units, additional loading facilities are required only for the increase in intensity of use.

21.66.100 Location of loading facilities

- A. The location of loading facilities must be approved through the site design plan review process, Chapter 21.22.
- B. Loading facilities may be provided on-site, off-site in centralized loading facilities, or in on-street facilities.
- C. Centralized loading facilities may be substituted for loading facilities on individual zoning lots. Each zoning lot served should be no more than 500 feet from the central loading area and have access to the central loading area without crossing streets.
- D. On-street loading facilities should be located within 150 feet from:
 - 1. The primary entrance to the building in which the use is located, or
 - 2. Any entrance to the building used for loading purposes.
- E. On-site loading facilities shall meet the following locational criteria:
 - 1. Loading facilities are not permitted in a required front yard,
 - 2. Loading facilities shall be located so as to not interfere with traffic movement or to impede pedestrian circulation, and
 - 3. Loading facilities shall be located such that no part of any vehicle extends into a street while loading or unloading

21.66.110 Design of parking and loading facilities

Design requirements for parking and loading facilities are set forth in Chapter 21.62

21.66.120 Special parking and loading requirements applicable to certain districts or uses

- A. Uses subject to standards may have specific requirements for parking, refer to Chapter 21.64.
- B. Special parking and loading provisions apply in certain zoning districts. These provisions are listed in Division III under the specific zoning district.

21.66.130 Table of Off-Street Parking Requirements

Important - The notes at the end of the table are as much a part of the law as the table itself

Use	Standard	Additional Provisions
Amusement establishments, indoor.	Number of spaces to be determined through the use and site development plan approval process. Guidelines for determining the appropriate number of parking spaces are: Amusement Arcades: one vehicle parking space per four amusement machines, plus one bicycle parking space per machine. Pools and rinks: Spaces sufficient to serve 30 percent of the capacity in persons of the facility. Additional spaces for auxiliary uses such as bars, and restaurants: one space per 300 hundred square feet.	
Animal hospitals, including veterinarian offices	Two spaces per employee.	
Apartment hotels	One space per dwelling unit or lodging room.	
Lodging rooms located in apartment hotels	One space per three rooms.	
Bakeries	One space per 200 square feet.	
Banks and financial institutions	One space per 300 square  CG35].	
Bars and taverns	Spaces equal to 30 percent  the capacity in persons.	
Bed and breakfast homes:		
C1 and CIA districts	None required.	Bed and breakfast homes without off-street parking must purchase city garage parking passes for guests.
R2-Neighborhood Conservation district, R3-Neighborhood Conservation 2 district	One or two guest rooms: one space. Three guest rooms: three spaces. Four guest rooms: four spaces. Five guest rooms: five spaces.	
R3-Neighborhood Conservation district	One space per guest room, one space for owner and one space per nonresidential employee.	
Boat showrooms	Two spaces per employee.	
Building material sales	One space per two employees, plus one space for each 300 square feet of gross floor area in excess of 4,000 square feet	
Clubs, lodges and meeting halls.	Spaces sufficient to serve 30 percent of the capacity in persons of the facility, plus one space per lodging room, if provided.	
Conference facilities	Spaces sufficient to serve 30 percent of the capacity in persons of the facility.	
Contractors', architects' and engineers' offices, shops and yards	I-1 district: one space per two employees. Other districts: one space per employee.	
Day care, family	One space per nonresidential employee.	
Day care centers, group	One space per five children.  36]	
Delicatessens	See Restaurants. 	
Dwellings:		
Dwellings, multi-family	C1, C2P, P, MX, PM2 districts: one space per dwelling unit. BCE district: 1.8 spaces per dwelling unit. Other districts 1.5 spaces per dwelling unit.	

Use	Standard	Additional Provisions
Dwellings, multi-family containing six or fewer dwelling units	One space per dwelling unit.	This use is permitted subject to standards in the R3-Neighborhood Conservation district.
Dwellings, single-family attached	Two spaces per dwelling  [CG37]	
Dwellings, single-family detached	R1B District: Two spaces per dwelling unit. Other districts: One space per dwelling unit.	
Dwellings, two-family	One space per dwelling unit.	
Dwellings above the ground floor of nonresidential uses	One space per dwelling unit.	
Dwellings for watchmen	One space per dwelling unit.	
Educational Facilities and Schools		
Colleges, private	One space per six students	Standards based on the number of students shall be based on the maximum number of students attending classes on the premises at any one time during any twenty-four-hour period.
Fraternalities, sororities and dormitories	One parking space for each three active members or dormitory residents, plus one space for the manager.	
Gymnasiums, stadiums and grandstands	One space per eight seats.	
School, nursery or elementary	One space per two employees.	
Schools, middle, or high	One space per two employees, plus one space per ten (non-boarding) students	
School auditoriums	One space per eight seats.	
Schools, commercial, trade, vocational, music, dance, or art	BCE district: one space per employee. Other districts: one space per two employees, plus one space per five students.	
Health and Medical Institutions		
Hospitals and sanitariums	One space per two beds, plus one space per two employees, plus one space per doctor assigned to the staff	
Institutions for the care of the aged,	0.75 spaces per unit.  [38]	
Institutions for the care or treatment of alcoholics, drug addicts and the mentally ill		
Rest homes and nursing homes	One space per four beds, plus one space for every two employees, plus one space per doctor assigned to the staff.	
Governmental and government-related uses	Number of spaces to be determined through the use and site design plan approval process.	
Greenhouses and nurseries	I-1 district: one space per employee. Other districts: two spaces per employee.	
Home occupations	One space per nonresidential employee	
Hotels	One space per three lodging rooms, plus additional parking for auxiliary/accessory uses.	For conference room facilities to be used by persons other than guests of the hotel: parking spaces equal to 30 percent of the maximum capacity in persons of the facilities.
Inns	One space per lodging room, plus one space for the owner/manager, plus one space per employee.	On-site parking may be substituted with a contract with a valet service or a parking garage
Laboratories, including medical, dental, research and testing	Two spaces per employee.	
Manufacturing, packaging, and processing and similar  [CG39]	One space per two employees plus one space per 300 square feet of accessory retail.	

Use	Standard	Additional Provisions
Maritime Uses		
Fabrication and repair	One space per two employees.	
General maritime	One space per 300 square feet.	
In-water boat storage (leased slips) Slips used for boat display and repair of boats	One space per two slips. Parking shall be calculated pursuant to their respective uses.	Where removal of boats from in-water boat slips occurs during the period of November 15th through April 15th, the dry, on-land storage of boats may take place in parking spaces otherwise allocated to wet slips provided the corresponding wet slips shall not be used for the storage or parking of boats for the period of time in which on-land boat storage occurs in the required parking spaces.
Maritime retail	One space per 300 square feet.	
Maritime service organizations	One space per 800 square feet.	
Maritime services	One space per two employees.	
Mooring slips or dock, public	One space per boat.	
Retail sales in waterfront districts of non maritime-related goods	One space per 200 square feet.	
On-land boat storage	One space per two employees.	
Seafood industrial	One space per two employees.	
Motels	One space per dwelling unit or lodging room, plus one space for the owner or manager.	
Motor Vehicle and Automobile Uses		
Car wash	One space per three employees, one space for the owner or manager, and vehicle stacking spaces, equal to five times the maximum capacity of the use.	
Motor vehicle rental	Two spaces per employee.	
Motor vehicle sales	One space per 200 square feet retail/showroom area, plus one space per 300 square feet of office.	
Motor vehicle storage, repair and service facilities	BCE and B3-CD districts: one space per employee. I-1 district: one space per 200 square feet. Other districts: one space per two employees, plus one space for the owner or manager.	
Service stations, including fuel sales	One space per two employees, plus one space for the owner or manager.	
Museums and art galleries	C1 and P districts: one space per 800 square feet. Other districts: one space per 400 square feet.	
Offices, business and professional, and nonprofit, educational, cultural, or civic	WMM district: One space per 200 square feet. Other districts: one space per 300 square feet.	
Offices, medical	One space per 200 square feet [CG40].	
Office or studio of a professional person	One space per 400 square feet of office or studio area.	
Philanthropic and charitable institutions, civic nonprofit organizations, and social and fraternal organizations	C1, C2P and P districts: one space per two employees. Other districts: one space per employee. All districts: plus additional spaces as determined through the use and site design plan approval process.	

Use	Standard	Additional Provisions
Physical health facilities including health clubs, gymnasiums, and weight control centers	One space per two employees, plus one space per 100 square feet exclusive of space devoted to courts (such as tennis or racquetball), plus four parking spaces per court.	
Planned developments	Parking spaces shall be provided on the basis of the required spaces for each use.	
Printing and publishing establishments	One space per three employees.	
Recreational buildings and community centers, noncommercial	Spaces sufficient to serve 30 percent of capacity in persons of the facility.	
Religious institutions, including churches, chapels, mosques, temples, and synagogues.	PM2 district: one space per four seats. Other districts: one space per six seats.	
Restaurants and delicatessens	Spaces equal in number to 30 percent of the seating and standing capacity in persons.	Standing capacity is computed as one person per seven square feet in front of all counter and service areas. Seating capacity is computed as the number of seats provided.
Restaurants with delivery service	One additional parking space per delivery vehicle owned or leased by the business owner and stored on site during closing hours, plus one space per two delivery vehicles which are not owned or leased by the business owner, but utilized for the delivery service.	Spaces shall be based on the maximum number of delivery vehicles used by the business.
Social clubs, noncommercial	One space per lodging room (if provided) plus spaces sufficient to serve 30 percent of the capacity in persons of the facility.	
Retail uses		
Department stores	One space per 200 square feet.	Parking spaces in shopping centers shall be provided on the basis of the parking requirement for individual uses.
Food stores		
Retail goods stores		
Specialty convenience retail goods stores		
Supermarkets		
Theaters, indoor	MX district: 30 percent of the maximum seating capacity. Other districts: one space per six seats up to 400 seats, plus one space for each four seats above 400.	
Undertaking establishments and funeral parlors	Eight spaces per chapel or parlor, plus one space per funeral vehicle.	
Veterinarian offices	Two spaces per employee.	
Warehousing, storage and distribution facilities, including moving and storage establishments	One space per three employees.	

Table Notes

1. Calculation rules

- A. Unless stated otherwise in the table, when the standard is given in square feet the standard means the number of parking spaces per square footage of gross floor area. See definition of floor area in Division VI for areas to be included in the calculation.

- B. When the number of off-street parking spaces required by the table results in a fraction, any fraction of one-half or less may be disregarded, while a fraction over one-half is counted as one parking space.
- C. Parking spaces required on an employee basis shall be based on the maximum number of employees on duty or residing, or both, on the premises at any one time.

2. Drive-in businesses

Stacking spaces, equal in number to five times the maximum capacity of a drive-in business, for automobiles awaiting entrance into the drive-in business, shall be ded[CG41].

3. Use not included in the table

Alternative parking and loading standards may be proposed for uses not included in the table, pursuant to Section 21.66.040.

4. C2 or C2A districts

Off-street parking facilities are not required in the C2 or C2A districts except that uses containing 20,000 square feet or more of floor area must provide 20 parking spaces, plus one space for each additional 500 square feet of floor area.

5. MX district

Unless alternative parking standards are approved by the Department of Planning and Zoning pursuant to Section 21.66.040, commercial uses not specifically enumerated in the Table of Off-Street Parking Requirements shall provide one parking space for each 300 square feet of gross floor area.

Chapter 21.68 Nonconforming Uses and Structures

Sections:

21.68.010	Purpose
21.68.020	Authority to continue and maintain
21.68.030	Deemed conforming structures and uses
21.68.040	Nonconforming structures
21.68.050	Determination of nonconforming use status
21.68.060	Abandonment of nonconforming use
21.68.070	Expansion of nonconforming uses
21.68.080	Change of nonconforming uses

21.68.010 Purpose

This Chapter regulates the continued existence of nonconforming principal and accessory uses and nonconforming structures.

21.68.020 Authority to Continue and Maintain

- A. **Continuation of nonconforming use.** A nonconforming use that lawfully occupies a structure or a land site on the effective date of this Zoning Code may be continued so long as it remains otherwise lawful, subject to the standards and limitations in this Chapter.
- B. **Continuation of nonconforming structure.** A nonconforming structure that lawfully occupies a land site on the effective date of this Zoning Code that does not conform to the bulk or other development or design standards for the district in which the structure is located may be used and maintained, subject to the standards and limitations of this Chapter.
- C. **Continuation of nonconforming accessory uses and structures.** The continued existence of nonconforming accessory uses and structures shall be subject to the provisions governing principal nonconforming uses and structures set forth in this Chapter.
- D. **Maintenance, repair and structural safety.** Normal maintenance and incidental repair may be performed on a conforming structure that contains a nonconforming use or on a nonconforming structure. Exterior or interior remodeling or improvements may be performed to a structure containing a nonconforming use, provided there is no expansion of the nonconforming use. This Section shall not be construed to prevent the strengthening or restoration to a safe condition of a structure.
- E. **Governmental purchase.** Any lawfully existing building, structure or use that is rendered nonconforming by governmental purchase or taking by any legal process may continue and may be used and maintained as a nonconforming use or structure, subject to the standards and limitations of this Chapter.

21.68.030 Deemed Conforming Structures and Uses

- A. As provided in Division III, which establishes regulations applicable to individual zoning districts, certain structures and uses that were lawfully in existence on the effective date of this

Zoning Code shall be deemed to be conforming pursuant to the applicable district regulations. These structures and uses are listed in the “Uses deemed conforming” subsections under the individual zoning districts in Chapters 21.40, 21.42, 21.44, and 21.46.

- B. A structure or use that is deemed conforming may be altered or expanded if the alteration or expansion otherwise meets the requirements of the zoning district in which the structure or use is located.

21.68.040 Nonconforming Structures

No nonconforming structure may be repaired, maintained, moved, altered or expanded, except in the manner provided in this Section or unless required by law.

- A. **Repair, maintenance, alterations, and expansion.** Any nonconforming structure may be repaired, maintained, altered, or enlarged; provided, however, that no such repair, maintenance, alteration, or expansion shall either create any new nonconformity or increase the degree of the existing nonconformity of all or any part of such structure.
- B. **Moving a nonconforming  structure [CG42]**
 - 1. Except as provided in this subsection, a nonconforming structure shall not be moved in whole or in part for any distance whatsoever, to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the zoning district in which it is located after being moved.
 - 2. Subject to the approval of the Board of Appeals under the procedures established in Section 21.26.030, which also apply to special exceptions, a building or structure in which a lawful nonconforming use has been established, may be reconstructed and relocated, consolidated with another structure or structures and relocated, or relocated within the lot on which the building or structure is located, provided:
 - a. The bulk of the building or structure is not increased;
 - b. The area of the lot occupied by the building or structure is not increased;
 - c. The manner and extent of the nonconforming use is not expanded;
 - d. The building or structure conforms to all applicable building codes;
 - e. The location of the building or structure conforms to all setback requirements; and
 - f. The building or structure conforms to all other requirements applicable under the law.
 - 3. For purposes of subsection 2 of this subsection, “reconstructed” and “reconstruction” shall mean the demolition of an entire building or structure and the construction of a substantially similar building or structure at a new location on the same lot. The terms shall also mean the repair, alteration or structural change of a building or structure in connection with the relocation of the entire building or structure to a new location on the same lot.
- C. **Restoration of damaged nonconforming  structure. [CG43]**

1. A nonconforming structure that has been damaged by fire, explosion, or other causes, may be restored provided that such restoration is started within one year of the date of the damage and is diligently pursued until completion.
2. If the restoration is not started within one year of the calamity and diligently prosecuted to completion, the building or structure shall be removed and the area cleared.

21.68.050 Determination of Nonconforming Use Status

- A. **Evidence establishing nonconforming use status.** An applicant may request a determination by the Planning and Zoning Director that a use is a nonconforming use that lawfully occupied a structure or a site on the effective date of the Zoning Code provision that rendered the use nonconforming. In support of any request for determination of nonconforming use status, an applicant must provide evidence of the continuous status of the use without abandonment.
- B. **Notice of application for determination of nonconforming use status.** Upon application for a determination by the Planning and Zoning Director that a use is a nonconforming use, notice must be posted on the property that is the subject of an application at least 15 days prior to any action on the application by the Planning and Zoning Director. Posting of the notice shall be in a manner prescribed by the Planning and Zoning Director. Any sign posted on a property by an applicant must be removed by the applicant within seven days following decision by the Planning and Zoning Director.

21.68.060 Abandonment of Nonconforming Use

- A. **Abandonment of nonconforming use.** A nonconforming use of land or of a structure that is abandoned for a continuous period of one year shall be presumed to be abandoned and shall not thereafter be reestablished or resumed. Any subsequent use or occupancy of the structure or land must conform to the regulations for the district in which it is located.
- B. **Rebuttal of presumption of abandonment.** The presumption of abandonment may be rebutted upon a showing, to the satisfaction of the Planning and Zoning Director that during such period the owner of the land or structure:
 1. Has been maintaining the land and structure in accordance with all relevant Zoning Codes and did not intend to discontinue the use; or
 2. Has been actively and continuously marketing the land or structure for sale or lease with the use; or
 3. Has been engaged in other activities evidencing an intent not to abandon.
- C. **Calculation of period of abandonment.** Any period of abandonment caused by government actions, fire, or natural calamities, and without any contributing fault by the nonconforming user, shall not be considered in calculating the length of abandonment pursuant to this Section.

21.68.070 Expansion of Nonconforming s[CG44]

No nonconforming use may be expanded except in the manner provided in this section.

A. Applications for Expansion

Applications for expansion of nonconforming uses shall be subject to the procedures established in Section 21.26.030 (special exceptions). Upon approval by the Board of Appeals, a nonconforming use may be expanded as follows:

1. A nonconforming use of a structure may be expanded throughout the same structure to occupy a part of a structure that it did not occupy on the effective date of this Zoning Code.

B. Application Requirements

All applications for expansion of nonconforming uses shall be accompanied by plans and on any forms prescribed by the Planning and Zoning Director and shall at a minimum include the following:

1. A statement in writing by the applicant and adequate evidence showing that the expanded nonconforming use will conform to the standards set forth in this Chapter.
2. Applicants shall provide the names and addresses of all persons having a financial or vested interest in the project and in the case of firms, partnerships and corporations, the names and addresses of all principals of the firm, partnership or corporation, who have a financial or vested interest in the project for which the application is made.

C. Review Criteria and Findings

The recommendation of the Planning Commission and decision by the Board of Appeals must be based upon written findings with respect to the following:

1. Compared with the existing nonconforming use, the expanded use will not be substantially more detrimental to the public health, safety, or general welfare.
2. The expanded use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, or substantially diminish and impair property values within the neighborhood.
3. The expanded use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, road access, drainage and necessary facilities have been or are being provided.
5. Adequate measures have been or will be taken to minimize traffic congestion in the public streets.

D. Expiration of Approval

No approvals of expansion of a nonconforming use shall be valid for a period longer than one year from the date of the approval, unless the building permit is obtained within that period and the expansion of the use is commenced within that period. However, the Planning and Zoning Director, upon a showing of good cause, may grant up to two successive extensions of the

approval for periods not longer than six months each, provided that a written application for each extension is filed while the prior approval is still valid.

E. Appeals

Appeals from decisions of the Board of Appeals under this section shall be made to the Circuit Court of Maryland for Anne Arundel County.

21.68.080 Change of Nonconforming Use

Upon application to the Planning and Zoning Director, a nonconforming use may be changed to another nonconforming use of the same classification or lower classification based on the Planning and Zoning Director's determination of the classification of the nonconforming use pursuant to Section 21.68.080.A. Whenever any nonconforming use is changed to a lower classification of nonconforming use, such use may not be changed back to a higher classification of nonconforming use. Whenever any nonconforming use is changed to a conforming use, such use shall not later be changed to a nonconforming use, except by an action of the City Council through a zoning text amendment or a zoning map amendment, pursuant to Chapters 21.32 and 21.34.

A. Classification of Nonconforming Uses

In deciding applications for changes of nonconforming uses, the Planning and Zoning Director will classify nonconforming uses for the purpose of determining whether expansion or change may be permitted subject to the applicable requirements of this Section.

1. **Class I.** Class I nonconforming uses shall include all permitted residential uses in any zoning district.
2. **Class II.** Class II nonconforming uses are those uses that, based on findings of the Planning and Zoning Director, meet all of the following:
 - a. The use is not detrimental to public health, safety, or welfare;
 - b. The use would not preclude or interfere with the purposes of the zoning district in which the use is located or the implementation of any applicable plans for the areas;
 - c. The use is not likely to depress the value of nearby properties; and
 - d. No useful purpose would be served by strict application of the provisions or requirements of this Zoning Code with which the use or structure does not conform.
3. **Class III.** Class III nonconforming uses include all uses that, based on a finding of the Planning and Zoning Director, meet one of the following:
 - a. The nonconforming use fails to meet the above standards for Class I or Class II uses; or
 - b. The nonconforming use is a nonresidential use that is located adjacent to a lawfully established residential use; or
 - c. The nonconforming use involves the storage, use, or generation of hazardous materials, processes, products or wastes or that may be detrimental to public health and safety

because of the potential to create dust, glare, heat, noise, noxious gases, odor, smoke, vibration, or similar conditions that would be incompatible with surrounding land uses.

B. Procedures for Change of Nonconforming Use

- 1. Application procedures.** All applications for change of a nonconforming use shall be filed with the Planning and Zoning Director in accordance with the requirements of Section 21.10.010 Common Procedures for Review of Applications. In the review and decision of applications, the following procedures shall apply:
 - a. Staff review.** The Planning and Zoning Director, after having determined that the submission is complete, may distribute copies of the application to appropriate city departments for review.
 - b. Staff report.** Any City department reviewing the application will prepare a staff report on the application and transmit the staff report to the Planning and Zoning Director prior to the required public hearing on the application.
 - c. Public hearing.** The Planning and Zoning Director shall schedule and hold a public hearing on the completed application. Notice of the public hearing must be given by the applicant in accordance with the notice requirements set forth in Section 21.10.020A and 21.10.020B.
 - d. Action.** Any staff reports received by the Planning and Zoning Director will be considered at the public hearing. Following the conclusion of the public hearing, the Planning and Zoning Director shall either (1) approve the application, (2) approve the application subject to specific conditions; (3) postpone a decision, at the applicant's request, pending consideration of additional information to be submitted by the applicant; or (4) deny the application.
- 2. Standards.** The Planning and Zoning Director shall make written findings of fact and will decide an application for the change in a nonconforming use based upon each of the standards set forth below:
 - a.** The proposed use is consistent with the general purposes and intent of the Zoning Code.
 - b.** The proposed use is of the same classification or a lower classification.
 - c.** The proposed use is compatible with other adjacent land uses and buildings existing in the surrounding area.
 - d.** The proposed use promotes the safe and efficient use of land.
 - e.** The proposed use is consistent with the purposes of the zoning district in which the use is located and does not negatively impact the value of surrounding property.
- 3. Amendments or modifications to approved plans.** Amendments or modifications to approved plans must be submitted to the Planning and Zoning Director. Such modifications shall be submitted in accordance with the procedures and requirements of this Section. The Planning and Zoning Director may waive this requirement if the Planning

and Zoning Director determines that such modification of the original plan has no significant impact upon the original proposal.

- 4. Expiration of approval.** No approvals of change of a nonconforming use shall be valid for a period longer than one year from the date of the approval, unless the building permit is obtained within that period and the change of the use is commenced within that period. However, the Planning and Zoning Director, upon a showing of good cause, may grant up to two successive extensions of the approval for periods not longer than six months each, provided that a written application for each extension is filed while the prior approval is still valid.
- 5. Appeal.** Any appeals of a decision of the Planning and Zoning Director must be made to the Board of Appeals in conformance with the provisions of Zoning Code Chapter 21.30.

Chapter 21.70 Sign Regulations

Sections:

21.70.010	Purpose
21.70.020	Applicability
21.70.030	Sign Permit
21.70.040	Prohibited signs
21.70.050	Standards applicable to all signs
21.70.060	Exempt Signs
21.70.070	Signs in residential districts
21.70.080	Signs in non-residential districts
21.70.090	Signs in the historic district
21.70.100	Nonconforming signs
21.70.110	Adjustments and Variances

21.70.010 Purpose

The purposes of these sign regulations are to encourage the effective use of signs as a means of communication in the City; to maintain and enhance the aesthetic environment; to promote pedestrian and traffic safety; to minimize the possible adverse effects of signs on nearby public and private property; and to enable the fair and consistent enforcement of these regulations.

21.70.020 Applicability

No signs except signs exempted by this chapter may be erected unless a sign permit has been issued by the Director of Neighborhood and Environmental Programs pursuant to Chapter 17.60.

21.70.030 Sign Permit

- A. Application for a sign permit shall be made to the Department of Neighborhood and Environmental Programs pursuant to Chapter 17.60. The Department of Planning and Zoning will review the sign permit application for consistency with the Zoning Code.
- B. Chapter 17.60 contains additional regulations for signs that should be consulted together with the regulations in this chapter.

21.70.040 Prohibited Signs [CG45]

The following signs are prohibited:

- A. Animated signs
- B. Billboards
- C. Flashing signs
- D. Portable signs

- E. Rotating s[CG46]
- F. Rooftop signs
- G. Signs projecting above the rooflines of buildings.
- H. Snipe signs; non-governmental signs attached to trees or poles

21.70.050 Standards applicable to all signs

The following standards apply to all signs whether exempt or permitted:

A. Condition and appearance

All permanent signs shall be maintained in good condition and appearance.

B. Computations of area and ght[CG47]

1. Area

- a. The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets the zoning regulations in this title and is clearly incidental to the display itself.
- b. The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces.

2. Height

The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of (1) existing grade prior to construction or (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the zoning lot, whichever is lower[CG48].

C. Sight visibility

- 1. No sign shall obstruct a clear view to and from traffic along any street right-of-way, entrance or exit.
- 2. A sight visibility triangle, as defined in Division VI, shall be kept free of obstructions to vision between the heights of 2.5 feet and 12 feet above the street. If, in the opinion of the

Director of Planning and Zoning with the concurrence of the Director of Public Works, there are unusual circumstances, these dimensions may be altered[CG49].

D. Integrated sign program

An integrated sign program, as defined in Division VI, is required for all commercial office complexes, shopping centers, and multi-tenant facilities. The establishment of an integrated sign program for existing developments is strongly encouraged[CG50].

E. Design

The design of signs is important to the character of the City of Annapolis. The following provisions are designed to give guidance to persons designing, erecting, and approving signs in the City.

1. Guidelines for all signs[CG51]

- a. Materials, colors and shapes of proposed signs shall be compatible with the related building(s). Size and proportions should be judged by sizes and proportions of signs on nearby properties that are compatible with the prevailing character, or the character prescribed in land use plans adopted by the City Council[CG52].
- b. Every sign shall be designed as an integral architectural element of the building and site to which it principally relates.
- c. The number of graphic elements on a sign shall be held to the minimum needed to convey the sign's major message and shall be composed in proportion to the area of the sign face.
- d. Each sign shall be compatible with signs on adjoining premises and shall not compete for attention.
- e. Signs should be constructed of quality materials. The choice of materials for signage should relate to the quality of architecture within the zoning district.
- f. Signs should provide information, character and a quality image.

2. MX and BR districts, additional guidelines

- a. Signs generally shall be of simple design and relate to the scale and design of buildings.
- b. The size of each sign shall relate to the scale and architectural character of its facade.
- c. The placement of signs shall not cover attractive architectural details, overwhelm the facade in size, or interrupt the rhythm of upper facade windows.
- d. The choice of materials for signs shall relate to the quality of historic architecture within the MX district. The use of painted wood, glass and metal are appropriate.

F. Removal of signs

Any sign associated with an activity on a vacated premises shall be removed from the premises, altered or resurfaced within three months from the time such activity ceases so that the sign does not display visual communication pertaining to the former activity[CG53].

21.70.060 Exempt signs [CG54]

The signs in this section are exempt from this chapter and do not require a permit provided they meet both the standards applicable to all signs in the previous section and the following standards:

- A. No sign may project beyond the property line into a public way.
- B. Illumination is not permitted.

1. Nameplate and identification signs

- a. A single nameplate for a dwelling unit, not exceeding one square foot in area, indicating the name or address of the occupant or a permitted occupation.
- b. On a corner lot, two nameplates for a dwelling unit, one facing each street, are permitted.
- c. Address numerals.

2. For sale and “to rent” signs

- a. One sign per zoning lot except that on a corner zoning lot two signs, one facing each street, are permitted.
- b. Size
 - i. In commercial and industrial districts signs may be up to 12 square feet in [CG55].
 - ii. In all other districts signs may be up to 9 square feet in [CG56].
- c. No sign may be placed closer than eight feet to any other zoning lot.
- d. No sign shall project higher than 12 feet above curb [CG57].

3. Signs accessory to parking areas

- a. Signs designating parking area entrances or exits limited to one sign for each exit or entrance and to a maximum size of two square feet each.
- b. One sign per parking area, designating the conditions of use or identity of the parking area and limited to a maximum size of nine square feet.
- c. On a corner lot two signs, one facing each street, are permitted.

d. No sign shall project higher than seven feet above curb level.

4. Temporary signs as follows:

- a. Signs, banners, flags and other advertising devices may be placed on a site or building to announce the opening of a new business or a special promotion. Such signs shall be limited to two events per year for a period of up to 30 days each [CG58].
- b. Temporary signs up to 20 square feet for community or civic projects or special events for events of public interest such as carnivals, community gatherings, fairs, political events and other events of a similar nature. Temporary signs shall be displayed for a period not in excess of 60 days and shall be removed within seven days after the conclusion of the [CG59].
- c. Construction site sign up to 32 square feet identifying the architect, engineer, and/or tractor[CG60].
- d. Garage or yard sale signs.
- e. Christmas tree, greens sales, and produce sales signs. One sign per street frontage up to six square feet is permitted.

5. Interior signs

Signs erected or installed in the interior of a structure which form an integral part of a bona fide window display which is related to merchandise or services available within the structure or which are related to matters of public welfare or public interest[CG61].

6. Public signs

- a. Memorial signs and tablets displayed on public property or in cemeteries.
- b. Legal notices.
- c. Traffic and parking signs that bear no advertising.

21.70.070 Signs in residential districts

A. General standards

- 1. Illumination is permitted only by external means such as by spotlight.
- 2. No sign may project beyond the property line into a public [CG62].

B. Permitted signs

The following signs are permitted accessory to permitted uses subject to the standards set forth in this section and other general standards set forth in this chapter:

1. Signs for colleges, religious institutions, schools, and similar institutions

- a. One freestanding bulletin sign per lot is permitted; except, that on a corner lot, two signs, one facing each street, are permitted:
 - i. Maximum area: 32 square feet per face  63].
 - ii. Maximum distance from any other zoning lot: eight feet.
 - iii. Maximum height: 15 feet.
- b. One wall-mounted sign is permitted containing the official name of the institution. Maximum lettering height: 30 inches.

2. Non-residential building nameplate and identification signs

- a. A single identification sign is permitted, not exceeding nine square feet and indicating only the name and address of the building.
- b. On a corner lot, two signs, one facing each street, are permitted.
- c. Maximum height 15 feet.

3. Subdivision or community identification  s[CG64]

- a. One identification sign, not exceeding 12 square feet, giving the name of the subdivision or community may be placed at each entry point.
- b. The sign shall convey no information other than the name of the subdivision or community.
- c. Maximum height 15 feet.

4. Bed and breakfast signs

A single sign, not exceeding two square feet is permitted.

5. Professional office or studio  s[CG65]

- a. One sign per lot is permitted; except, that on a corner lot, two signs, one facing each street, are permitted.
- b. Maximum area: 2 square feet.
- c. Maximum height: 15 feet.
- d. No sign may be closer than five feet to any other zoning lot.

21.70.080 Signs in non-residential districts

A. General standards

1. An integrated sign program is required for all commercial office complexes, shopping centers, and multi-tenant facilities. Individual signs shall be reviewed for conformity with the integrated sign program whether newly established or existing.
2. Pole signs may have no more than two faces.
3. Two-faced signs must be double faced back-to-back.
4. Signs may not be placed along any side or rear lot line within a required eryard[CG66].

B. Permitted signs

1. Sign Table 1 lists the types of signs that are permitted in non-residential zoning districts.
2. Sign Table 2 sets forth the regulations for permitted signs in non-residential zoning districts.
3. Signs for residential uses, professional offices or studios, colleges, religious institutions, schools, and similar institutions, where these uses are permitted in non-residential zoning districts, are permitted pursuant to the regulations for these signs in residential districts.

Sign Table 1 Types of signs permitted in non-residential zoning districts

District	Permitted Signs
B1	Business community identification sign
	Freestanding
	Wall-mounted
B2, B3-CD, BCE, I1	Freestanding
	Multi-tenant facility
	Wall-mounted
B3, BR, PM2	Multi-tenant facility
	Wall-mounted
C2, C2A, C2P	Wall-mounted
P, PM	Business community identification sign
	Multi-tenant facility
	Wall-mounted
MX	Freestanding, ground sign only
	Multi-tenant facility
	Wall-mounted
WMC, WME, WMI, WMM	Freestanding
	Marine refueling facility signs on piers
	Multi-tenant facility
	Wall-mounted

Sign Table 2 Regulations for Signs in Non-Residential Zoning Districts

In using the table the following regulations apply:

- a. Lots are permitted both wall-mounted and freestanding signs up to the limits set forth in the table. Signage in multi-tenant facilities is counted as an alternative, not in addition, to permitted wall-mounted and freestanding signs.
- b. For wall-mounted signs the maximum sign area is for the lot.
- c. For all other signs the maximum sign area is the maximum area per sign face, unless stated otherwise. For example, a two-sided, freestanding, ground sign in the BCE could be 30 square feet per face or 60 square feet total.
- d. The following abbreviations are used in the table: sf = square feet; lf = linear feet; bldg = building; ” = inches.

Sign Type	Zoning District	Number of businesses per lot	Maximum sign area	Number of signs allowed	Maximum Height (feet)	Illuminati on permitted	Projection permitted	Other
Wall-mounted	B1, BR, PM, MX		1. 1 sf per lf of building frontage up to a maximum of 100 sf [CG67]. 2. No sign may exceed 30 sf per [CG68].	1. B1, PM: no limit, up to maximum permitted sign area 2. BR, MX: no more than 3 signs per building.	[CG69]. In the MX district, signs may not be located higher on a facade than the second-story windowsills.	Yes, external means only such as spotlight	Yes, up to 1.5 feet from a wall.	
	B2, B3, B3-CD, BCE,		1. 2 sf per lf of building frontage up to a maximum of 120 sf 2. No single sign may exceed 75 sf in area	No limit up to permitted sign area	15	Yes	Yes, up to 1.5 feet into a public way	Uses with canopies, such as service stations, may use the lf of canopy frontage in lieu of lf of building frontage to calculate permitted sign [CG70].
	C2, C2A, C2P		1 sf per lf of building frontage up to a maximum of 30 [CG71]	Up to 3 signs per building [CG71]	15	Yes, external means only such as spotlight	Yes, up to 1.5 feet from a wall.	
	P		9 sf	1 per street frontage	15	No	Yes, but not into a public way.	
	PM2		See below under multi-tenant facilities sign types					
	I1		2 sf per lf of building frontage up to a maximum of 120 sf	No limit up to permitted sign area	18	Yes	No	
	WMC		1 sf per lf of building frontage up to a maximum of 100 sf	No limit up to permitted sign area	[CG73]	Yes	Yes, but not into a public way or over the water	
	WME, WMI, WMM		2 sf per lf of building frontage up to a maximum of 120 sf					

Sign Type	Zoning District	Number of businesses per lot	Maximum sign area	Number of signs allowed	Maximum Height (feet)	Illumination permitted	Projection permitted	Other
Marquee sign	Any district where the associated use is permitted		120 [CG74]. The [CG74] of a marquee sign is permitted instead of, not in addition to, wall-mounted or freestanding signage that would otherwise be permitted.	1 per lot	15	Yes	Yes, up to the projection of the marquee	Theaters, museums, and auditoriums with a marquee sign are permitted wall-mounted frames up to 24 sf per frame advertising movies, plays or other features to be given at the venue.
Freestanding sign [CG77]	B1, WMC		Pole signs: 12 sf, or ground signs: 20 sf [CG76].	1 per lot	[CG77]	[CG78]	Yes, but not into a public way or over the water [CG79]	<ol style="list-style-type: none"> Freestanding signs are permitted only on lots with a minimum lot width of 100 feet or [CG80]. Minimum setback from property lines: <ul style="list-style-type: none"> WMC 0 feet B1, I1, WME, WMI, WMM 5 feet Other districts 10 [CG81]
	B2, B3, B3-CD, BCE, I1, WME, WMI, WMM	Lots with up to 2 businesses Lots with 3 or more businesses [CG84]	Pole signs: 20 sf, or ground signs: 30 [CG82] Pole signs: 24 sf, or ground signs: 30 sf	1 per street frontage.	Pole signs: [CG83] Ground signs: 12	Yes		
	MX		30 sf		10	Yes	Must be a ground sign, monument [CG85].	
Multi-tenant facility signs								
Multi-tenant facility identification sign	B2, B3, B3-CD, BCE, PM2, WMC, WME, WMI, WMM		64 [CG86]	1 per street frontage	[CG87]	Yes	Yes, but not into a public way or over the water.	<ol style="list-style-type: none"> In the P district and the waterfront districts these signs may be ground signs, monument style, or wall-mounted. All other districts these signs must be ground signs, monument style. Minimum setback from property lines: <ul style="list-style-type: none"> WMC 5 feet I1, MX, PM.WME, WMI, WMM, 10 feet Other districts: 15 [CG88]
	I1		100 sf					
	MX, [CG89]		30 sf			10	Yes, external means only such as spotlight	
	[CG90]		15 sf					

Sign Type	Zoning District	Number of businesses per lot	Maximum sign area	Number of signs allowed	Maximum Height (feet)	Illumination permitted	Projection permitted	Other
Shopping center anchor tenant, wall-mounted	B2, PM2,		0.5 sf per lf of anchor tenant  [CG91]	1 per street frontage	20	Yes		
Tenant sign, wall-mounted	B2, B3, B3-CD, BCE, PM2, I1, WMC, WME, WMI, WMM		1.5 sf per lf of building frontage per tenant, up to 40 sf per tenant.	1 per tenant, plus 1 additional for a corner tenant with windows in both facades.	15	Yes	No	Maximum sign board height: 36" for anchors, 18" for other tenants. Maximum lettering height: 36" for anchors, 14" for other tenants.
	BR, MX, PM  [92]		Lesser of 1 sf per lf of entrance façade or 20 sf			No		
Tenant sign, projecting	B2, B3, B3-CD, BCE, PM2, WMC, WME, WMI, WMM		6 sf	1 per tenant		Yes, external means only such as spotlight	Yes	This type of sign is permitted where tenant spaces are recessed under a canopied walkway.
Business community identification sign	B1, P, PM		30 sf	1 at each entry point	6	Yes, external means only such as spotlight	Yes, but not into a public way.	This type of sign is for communities comprising six or more businesses.
Marine refueling facility signs on piers	WMC, WME, WMI, WMM		6 sf per face	1 per facility	10	Yes	No	

21.70.090 Signs in the historic district [CG93]

In addition to the requirements of the underlying zoning district, signs in the historic district are subject to the following:

- A. A certificate of approval from the Historic Preservation Commission is required for new signs or existing signs that are to be altered in size, shape, content or location, see Chapter 21.56.
- B. Applicants for sign permits in the historic district should refer to the Historic Preservation Commission's design guidelines for signs.
- C. No commercial sign, billboard or other advertising structure or device shall be painted on any exterior wall of a building within the historic district.
- D. Upon the inclusion of additional areas within the historic district of the city, all signs shall comply with this section within two years from the date the area is included within the historic district.

21.70.100 Nonconforming signs [CG94]

- A. The Director of Neighborhood and Environmental Programs shall order the removal of any sign erected or maintained in violation of the law as it existed prior to the date of the adoption of this Zoning Code; provided, however, that if such signs are redesigned or altered so as to conform to the law as it existed prior to the date of the adoption of this Zoning Code, these signs shall be regarded as nonconforming signs subject to the provisions of subsection B of this section [CG95].
- B. Other signs existing at the time of the adoption of this Zoning Code and not conforming to its provisions, but which did conform to previous laws, shall be regarded as nonconforming signs which may be continued if properly repaired and maintained as provided in this chapter.
- C. Nonconforming signs which are structurally altered, relocated, or replaced shall comply immediately with all provisions of this chapter.

21.70.110 Adjustments and Variances [CG96]

- A. Pursuant to the administrative adjustment authority and procedures set forth in Chapter 21.18, the Planning and Zoning Director may permit the following adjustments:
 - 1. An adjustment of up to 30 percent to the limitations set forth in this Chapter with respect to the following dimensional criteria [CG97]:
 - a. Sign area,
 - b. Height,
 - c. Distance of permitted projection,
 - d. Setback,

- e. Distance from other zoning lots,
 - f. Height of lettering.
2. An increase of one sign in addition to the maximum number of signs permitted per lot, building, or street frontage.
- B. Pursuant to the authority and procedures set forth in Chapter 21.28, the Board of Appeals may grant variances to the limitations set forth in this Chapter with respect to the following:
- 1. The dimensional criteria set forth above in subsection A. of this section.
 - 2. The number of signs allowed per lot, building, or street frontage.
- C. In addition to the review criteria and findings set forth in Chapter 21.18 for administrative adjustments and in Chapter 21.28 for variances, the Planning and Zoning Director in the case of an administrative adjustment and the Board of Appeals in the case of a variance shall only approve an application if the entire signage on the lot will meet the design provisions set forth in section 21.70.050E.

Editorial Comments to Division V

Page: 2

[CG1] Former 21.06.050; Added “planned developments” as an exception and multi-family dwellings in BCE district consistent with O-27-02 adopted December 9, 2002.

Page: 3

[CG2] Language from O-30-02 (May 12, 2003) which amended former Section 21.06.010. Section E. from O-30-02 which addressed restrictiveness not incorporated as this is covered for the entire title under new Section 21.02.050.

Page: 4

[CG3] “Decks” added consistent with current practice by the Department of Planning and Zoning.

Page: 5

[CG4] New subsection. The regulation which was in the current code appears in each residential zoning district. A graphic has been added to illustrate this concept.

Page: 8

[CG5] Several districts have specific bufferyard requirements. A new definition of bufferyard has been added in Division VI. Language in this subsection taken from former 21.71.020 (Corridor Design Overlay) moved here as of general relevance.

Page: 9

[CG6] New section.

Page: 9

[CG7] Moved from former 21.61 PM district as they are of general relevance. Item #5 added, providing a cross reference to Section 14.12.100.

Page: 10

[CG8] Added second section language authorizing traffic studies using language currently in other chapters of the code e.g. 21.94.030. Replaced reference to “critical lane levels of service” by more general language: “road network and affected intersections”.

Page: 11

[CG9] This subsection combines design provisions from former Chapters 21.64 and 21.98.

Page: 12

[CG10] New provision. Former section 21.98 allowed for “non-traditional surface material” in overflow situations. This provision broadens the situations where these could be used.

Page: 14

[CG11] New subsection.

Page: 14

[CG12] This occurs in some of the waterfront districts.

Page: 16

[CG13] Modeled on language in several districts in current code such as waterfront districts 21.55.090, 21.57.090, PM and Corridor Design Overlay district. Replaced guidelines with standards.

Page: 18

[CG14] B added to clarify this point.

Page: 18

[CG15] New section. Use not addressed in current code.

Page: 19

[CG16] New section. Use barely addressed in current code.

Page: 23

[CG17] Ordinance 43-88

Page: 25

[CG18] Specific requirement for traffic analysis deleted: covered under Site Design Plan 21.62.

Page: 25

[CG19] Standards taken from Child Day Care Center use in former Section 21.59.030 (PM2 district). Use has been renamed “Day Care Center, Group” consistent with this use in other districts.

Page: 30

[CG20] These provisions from current code 21.02.080

Page: 31

[CG21] Ordinance 43-88

Page: 31

[CG22] 20 percent requirement moved to bulk regs table.

Page: 38

[CG23] Standards moved from current definition. Determination currently to be made by planning and zoning director, changed so as to be made by body approving the use.

Page: 39

[CG24] Moved from the residential district yard tables, for example Table 21.16.040C. This is a use regulation as opposed to a yard regulation. The statement of no yard requirement is retained in the bulk regulations table.

Page: 41

[CG25] Last sentence added.

Page: 41

[CG26] , “Maximize ingress and egress points” standard deleted: it may be desirable to limit the number of access points. Traffic study standard deleted; covered under site design plan review.

Page: 46

[CG27] New section. Current code does not address this type of use.

Page: 48

[CG28] Some of these moved from former Section 21.02.110 (exempted uses). Added street fair and some standards such as requirement to obtain necessary permits and removal of uses. Yard sale and garage sale listing is new.

Page: 48

[CG29] Second sentence taken from bulk regulations tables, such as Table 21.12.040C

Page: 51

[CG30] New provision.

Page: 51

[CG31] New subsection.

Page: 51

[CG32] New subsection. Bicycle parking has been required under the current code on a case by case basis and 2003 amendments to the BCE district require bicycle parking for multi-family developments.

Page: 52

[CG33] New subsection allowing for alternative standards to be determined on a case by case basis based on thorough documentation to be provided by an applicant.

Page: 53

[CG34] This sentence added to clarify in what types of yard parking is or is not permitted.

Page: 57

[CG35] New standard not addressed in the current code.

Page: 57

[CG36] This standard is from the PM2 district and is more applicable to the use compared to the one space per two employees standard in the C1 district.

Page: 58

[CG37] Standard changed. Standards in existing code are: C1, P, PM districts: one space per dwelling unit; Other districts: 1.5 spaces per dwelling unit. Staff report that insufficient parking is an issue in townhouse developments such as Beechwood Hills and Annapolis Overlook (where parking is being added). Through the special exception approval process more parking is being provided than the 1.5 spaces per du standard. For example, at August Woods approx. 2.0 spaces per du were provided.

Page: 58

[CG38] Standard changed from “One space per four beds, plus one space for every two employees, plus one space per doctor assigned to the staff” based on recent staff experience in approving such facilities.

Page: 58

[CG39] New category based on “General light industrial” category in former Section 21.75.100.B.9.

Page: 59

[CG40] Revised standard. Standard in existing code is: Three spaces per staff and regularly visiting doctor. According to staff this standard is too low and results in insufficient parking provided for medical offices.

Page: 61

[CG41] Former 21.40.85.A

Page: 63

[CG42] Language in this subsection taken from O-32-01, adopted May 12, 2003.

Page: 63

[CG43] Language in this subsection taken from O-32-01, adopted May 12, 2003.

Page: 64

[CG44] Drafts of this section allowed for an expansion of nonconforming use of land up to 50 percent of the area devoted to the existing nonconforming use. This provision is not included in the proposed regulations.

Page: 69

[CG45] Prohibitions are currently scattered through Title 21, and are hard to follow. It is unclear, for example, whether new billboards are or not permitted in different districts. This section is designed to bring these prohibitions in one clear section.

Page: 70

[CG46] In the current code, rooftop signs are specifically prohibited only in the B1A, PM, PT, and Historic Districts.

Page: 70

[CG47] Computation wording is adapted from current definition of “sign, gross area of” from 21.04.565 using wording in Sign Regulations for Small and Midsize Communities (PAS Report #419). Current definition is hard to understand, especially the phrase “and in no case passing through or between any adjacent elements of perimeter”

Page: 70

[CG48] The current regulations say very little about measuring height. The only reference is in the CDO-district: the height of a freestanding sign shall be measured from the grade of an adjoining street provided the street is within 50 feet of the location of the proposed sign. The height of an attached wall sign shall be measured from the base of the building below the sign to the top of the sign face.

Page: 71

[CG49] This requirement is currently only in the CDO district and is recommended as a general requirement..

Page: 71

[CG50] This language taken from current CDO-district. The intent of this subsection is to combine two related concepts from the current regulations. The “uniform sign program” which is permitted in many zoning districts for a “multi-tenant facility in single ownership or under unified control” and the “integrated sign program” which is required for commercial office complexes and shopping centers in the BCE and CDO districts.

Page: 71

[CG51] These are adapted from the current CDO district.

Page: 71

[CG52] Phrase “or the character prescribed in land use plans adopted by the City Council” added since the prevailing character of signs may be undesirable.

Page: 72

[CG53] New section. The current regulations do not address removal

Page: 72

[CG54] New section. The current regulations are unclear regarding which signs need a permit.

Page: 72

[CG55] These signs are not currently permitted at all in commercial and industrial districts.

Page: 72

[CG56] Existing maximum is 12 square feet, including in the P district.

Page: 72

[CG57] Existing maximum is 15 feet.

Page: 73

[CG58] New subsection

Page: 73

[CG59] Adapted from current 21.04.570 which defines “temporary signs”. These are currently permitted in many zoning districts, but there is not a lot of logic regarding which districts. For example, temporary

signs are permitted in the C1 and C1A, but not in the R1, R2 and R3. The issue is important because the definition includes “political signs”. In disallowing them in many residential districts, campaign signs are effectively disallowed. In these proposed regulations, temporary signs, as defined, would be allowed in all zoning districts. The definition itself has been moved to proposed Division VI.

Page: 73

[CG60] New.

Page: 73

[CG61] Moved from 17.60.010. The issue of signs in windows in the historic district has been an issue in the past, Current 17.60.010 requires a sign permit for signs in windows whose “prime purpose is for viewing from the exterior of the structure”. However, signs in windows that meet the criteria of this subsection are exempt from the permit requirement.

Page: 73

[CG62] Under the current regulations, this provision is specified only for professional office or studio signs. Leaving that provision would imply that other sign in residential districts *could* project into a public way, which is not intended. Therefore this provision has been added to apply to all signs in residential districts.

Page: 73

[CG62] Increase from current 24 sf, staff recommendation.

Page: 73

[CG62] No maximum height or area given in the current regulations.

Page: 73

[CG62] Provision prohibiting projection into public way moved to general provisions for signs in residential districts.

Page: 73

[CG62] From former 21.71.040 and 21.75.110 (B3-CD and BCE). Bufferyards are required in the B3-CD, BCE, BR, and PM2 districts. Recommend this provision apply to all districts with bufferyards.

Page: 73

[CG62] 1sf per lf is a City of Alexandria standard. 100 sf max is proposed is proposed to cap the overall sign budget on a lot. Note: some communities limit sign size to a percent of façade. Using frontage makes the sign budget calculation easier.

Page: 73

[CG62] This is a current requirement in MX and BR districts.

Page: 73

[CG62] 13 feet is from the B1A district. Current permitted heights are generally higher , eg 30 ft in B1, BCE; 50 feet for shopping centers in B2, 25 feet for pole signs in the CDO. 15 feet is the permitted height for all other signs in the B2.

Page: 73

[CG62] Small buildings on large lots (e.g. gas stations, banks) may get insufficient signage on a building frontage calculation system versus the current lot frontage system. This provision is intended to address this need.

Page: 73

[CG62] s in residential districts *could* project into a public way, which is not intended. Therefore this provision has been added to apply to all signs in residential districts.

Page: 74

[CG63] Increase from current 24 sf, staff recommendation.

Page: 74

[CG64] No maximum height or area given in the current regulations.

Page: 74

[CG65] Provision prohibiting projection into public way moved to general provisions for signs in residential districts.

Page: 75

[CG66] From former 21.71.040 and 21.75.110 (B3-CD and BCE). Bufferyards are required in the B3-CD, BCE, BR, and PM2 districts. Recommend this provision apply to all districts with bufferyards.

Page: 78

[CG67] 1sf per lf is a City of Alexandria standard. 100 sf max is proposed is proposed to cap the overall sign budget on a lot. Note: some communities limit sign size to a percent of façade. Using frontage makes the sign budget calculation easier.

Page: 78

[CG68] This is a current requirement in MX and BR districts.

Page: 78

[CG69] 13 feet is from the B1A district. Current permitted heights are generally higher , eg 30 ft in B1, BCE; 50 feet for shopping centers in B2, 25 feet for pole signs in the CDO. 15 feet is the permitted height for all other signs in the B2.

Page: 78

[CG70] Small buildings on large lots (e.g. gas stations, banks) may get insufficient signage on a building frontage calculation system versus the current lot frontage system. This provision is intended to address this need.

Page: 78

[D71] The current code does not specify a maximum, though there is review through the HPC.

Page: 78

[D72] The current code does not specify a maximum.

Page: 78

[CG73] 22 feet is current permitted height. Permitted heights in some other districts have been reduced. Additional height in waterfront districts may be needed due to irregular building and structure configurations.

Page: 79

[CG74] Current regulations allow up to 200 sf in the BCE and B3-CDO and 120 sf in the MX.

Page: 79

[CG75] Freestanding pole signs are currently allowed in B1, B2, B3, BCE, PM, C2, C2A, I1.

Page: 79

[CG76] Intent is to encourage ground signs by allowing greater sf.

Page: 79

[CG77] 10 feet is the current standard in the MX district.

Page: 79

[CG78] Illumination is not currently permitted in the B1 or B1A.

Page: 79

[CG79] Projection is currently permitted in B2, B3, and, arguably, in the B3-CDO. Testing indicates that projection into row is aesthetically undesirable.

Page: 79

[CG80] Requirement for minimum lot width is from Alexandria; intent to only allow freestanding signs on larger lots unless part of a multi-tenant facility.

Page: 79

[CG81] Except for a few cases (e.g. signs for shopping centers in B2 and PM2) the current regulations do not clearly address setbacks for signs. They are presumably treated as accessory uses, subject to any accessory setback regulations. Recommendation is a small (5 ft) setback in B1, I1 and larger setback in more intense retail districts. Multi-tenant facility sign setbacks are greater, see below). BCE district has a sign area bonus for signs setback increase from the property line, but businesses really want their signs up front, close to the property line.

Page: 79

[CG82] As with B1, intent is to encourage ground signs and to limit the number and size of freestanding signs.

Page: 79

[CG83] 15 feet is the maximum existing height in the B2 district.

Page: 79

[CG84] These regulations provide an alternative to the multi-tenant facility signs in the next category. Multi-tenant sign allowance is greater than for standard freestanding signs.

Page: 79

[CG85] Consideration was given to disallowing pole signs also in the BCE district, but this is hard to justify if pole signs are to continue to be permitted in the B1 and B2 districts.

Page: 79

[D86] 64 sf is the current standard in the PM2. Up to 100 sf is permitted in waterfront districts but testing indicates that signs this large are not used.

Page: 79

[D87] Current permitted height in B2 is 50 feet for shopping center street frontage signs and 15 feet for other signs. No height is specified in PM2 or in waterfront districts.

Page: 79

[CG88] 15 ft s/b is current for shopping centers in the PM2 and B2. Additional intent is to discourage pole signs.

Page: 79

[CG89] Recommend adding PM to districts where multi-tenant facility signs are permitted. Sign testing revealed two multi-tenant sites.

Page: 79

[CG90] Referred to as a nameplate and id sign in the existing code (21.60.100).

Page: 80

[CG91] 0.5 feet standard is from the PM2 district.

Page: 80

[CG92] These signs not currently permitted in the P district. Recommend they be permitted based on sign testing.

Page: 81

[CG93] Selected sections moved from 17.60.080.

Page: 81

[CG94] The current zoning regulations are almost silent on nonconforming signs. The nonconforming use chapter does not address signs at all. There is one reference at 21.28.120 but note that it refers to “advertising devices”, and arguably not to “signs:”. It reads “No nonconforming advertising devices shall be altered or reconstructed unless the alteration or reconstruction is in compliance with the provisions of this chapter. For the purpose of this section only, the term "altered or reconstructed" does not include normal maintenance, changing of surface sign space, ornamental moulding, frames, trellises or ornamental features or landscaping below the base line; or the addition, construction, installation or changing of electrical wiring or electrical devices, backgrounds, letters, figures or characters or other embellishments.”

Approaches towards nonconforming signs vary. Some communities set a date for compliance and include an amortization schedule. The proposed approach requires that when signs are structurally altered, relocated or replaced they shall comply immediately with all provisions of this chapter. Stronger provisions could be included e.g. a requirement that nonconforming signs be removed if a building permit is issued for any construction, sign-related or not.

Page: 81

[CG95] This proposed language adapted from the Howard County sign code.

Page: 81

[CG96] Variances to the sign regulations are not permitted in the current code. Within a single zoning district lots vary greatly in terms of the measures usually used to determine the amount and location of signage: lot frontage; building width; building height; and setback. As a result it is extremely difficult to write regulations that result in good signage on all sites within a district. The same amount and location of signage that is effective and appropriate on one site may be ineffective and inappropriate on another. This was brought out very clearly in the testing that was conducted for this update of the sign regulations, and points to the need for the ability to grant administrative adjustments and variances to the sign regulations to supplement the design review that currently occurs through the site design review process.

Page: 81

[CG97] 30 percent adjustments are recommended in lieu of the 20 percent adjustments that are permitted for bulk regulations.

DIVISION VI General Terms and Rules of Measurement

DIVISION VI General Terms and Rules of Measurement..... VI-1
Chapter 21.72 Terms and Definitions..... VI-2
Editorial Comments to Division VI..... VI-32

Chapter 21.72 Terms and Definitions

21.72.010 Terms

A. Construction

In the construction of this Zoning Code, the rules and definitions contained in this chapter shall be observed and applied, except when the context clearly indicates otherwise.

B. Definitions

Except as provided for elsewhere in this Zoning Code, terms used in this Zoning Code shall have the definition provided in any standard dictionary, unless specifically defined below or in any other provision of this Zoning Code.

C. Generic Definitions

- 1. Purpose of Generic Definitions.** Certain terms in this Chapter are defined to be inclusive of many uses in order to eliminate overly detailed listings of uses in the zoning districts established by this title. These terms are referred to in this title as “generic” definitions. Examples of generic definitions used in this title are “retail goods establishment,” “amusement establishment” and “light manufacturing”.
- 2. Components of Generic Definitions.** A generic definition has three components: (1) a brief listing of examples of uses intended to be included within the scope of the definition; (2) an identification (where appropriate) of certain uses which are not meant to be included by the term; and (3) a statement that for the purposes of each zoning district, any other uses specifically listed within the particular zoning district shall not be construed as falling within the generic definition.
- 3. Uses Not Listed or Not Within Scope of Generic Definition.** A use which is not specifically listed in a zoning district, or which does not fall within a generic definition as defined in this Chapter, or as interpreted by the Director of Planning and Zoning pursuant to Chapter 21.16 is prohibited.

D. List of Definitions

1. Accessory building or use

See use, accessory.

2. Adult bookstore

Any commercial establishment which includes in its stock books, periodicals, photographs, drawings, sculpture, motion pictures, films or other visual representations which depict sadomasochistic abuse, sexual conduct or sexual excitement, as defined by Article 27, Section 416a of the Annotated Code of Maryland, and which otherwise does not qualify as a theater or nonprofit, free-lending library.

3. Alley

A public or private right-of-way primarily designated to serve as secondary access to the side or rear of those properties whose principal frontage is on some other public way.

4. Alteration

Any change in size, shape, character or use of a building or structure.

5. Amusement establishment, indoor

A commercial establishment where the principal use or purpose is providing diversions or activities for entertainment, recreation, or pleasure. . The term “amusement establishment, indoor” includes, but is not limited to amusement arcades, bowling alleys, dance halls, pool halls swimming pools and skating rinks.

The term “amusement establishment, indoor” does not include any use that is otherwise listed specifically in the Table of Permitted Uses for the zoning district where the term is used.

6. Anchor tenant

The largest tenant or tenants in a shopping center. Shopping center anchor tenants are typically grocery stores or department stores[CG1].



7. Animal hospital

A building or portion of a building designed or used for the care, observation or treatment of domestic animals. Animal hospital includes veterinarian office[CG2].



8. Antenna

A device designed for telephone, radio, or television communications through sending and/or receiving of electromagnetic waves.

9. Antenna, flush mounted

An antenna mounted on the side of a building or structure.

10. Antenna tower

A structure used to support antennas for providing wireless voice, data and image transmission within a designated service area. Antenna tower includes monopole.

11. Apartment hotel

An apartment building in which not more than ten percent of the accommodations are available for occupancy by nonpermanent guests, and which provides such services as maid service, laundering or furnishing of linens, telephone and secretarial or desk service.

12. Arts and crafts store

An establishment where the principal use or purpose is the sale of goods, products and merchandise for the practice and enjoyment of arts and crafts. The term “arts and crafts store” includes but is not limited to antique stores, art and school supply stores, coin and stamp stores, gift shops, and hobby shops.

The term “art and craft store” does not include any use that is otherwise listed specifically in the Table of Permitted Uses for the zoning district where the term is used.

13. Arts and crafts studio

An establishment where the principal use or purpose is practicing, producing, or selling arts and crafts. The term “art and craft studio” includes but is not limited to china and glassware stores, picture framing, jewelry sales and repair, musical instruments sales and repair, and interior decorating shops.

The term “art and craft studio” does not include any use that is otherwise listed specifically in the Table of Permitted Uses for the zoning district where the term is used.

14. Bake shop

An establishment **where** only bread, pastries and other baked goods are made and offered for sale, and the products are usually sold in bulk quantity and not for immediate consumption.

15. Bar and tavern

Establishments primarily engaged in the retail sale of drinks, such as beer, ale, wine, liquor and other alcoholic beverages, with food only incidental to the sale of alcohol.

16. Basement

A portion of a building located partly or wholly underground and having more than one-half of its floor-to-ceiling height below the average grade of the adjoining ~~ground~~[CG3].

17. Bed and breakfast home.

A single-family, owner-occupied, detached dwelling which provides only transient lodging in not more than five rooms with a maximum stay of fourteen consecutive nights.

18. Block

A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways or boundary lines of the city.

19. Boatyard, working

An arrangement of piers, slips, mooring piles, wharves, and buoys, not to exceed thirty slips, intended to be used for the repair, construction and temporary storage of watercraft, and which slips are not available for occupancy or rental by the general public.

20. Bufferyard

A landscaped yard that creates separation, transition, or enhanced spacing between zoning districts, uses, or rights-of-way [CG4].



21. Building

Any structure built for the support, shelter or enclosure of persons, animals, chattels or movable property of any kind, and which is permanently affixed to the land.

22. Building, completely enclosed

A building separated on all sides from the adjacent open space, or from other buildings or other structures, by a permanent roof and by exterior walls or party walls, pierced only by windows and normal entrance or exit doors.

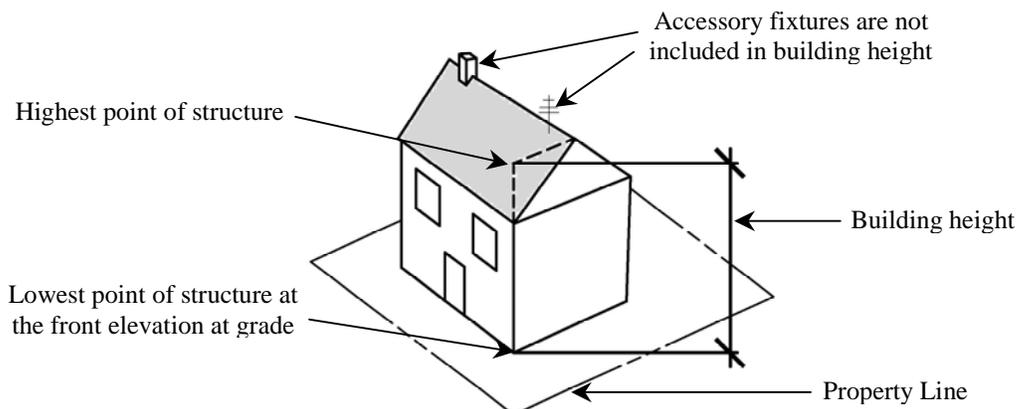
23. Building, detached

A building surrounded by an open space on the same lot.

24. Building height

The vertical distance from the lowest point of a structure at its front elevation at grade to the highest point of the structure, not including accessory fixtures attached to the structure. See illustration.

Refer to Chapter 21.56 for measurement of building height in the historic district.



25. Building, principal

A non-accessory building in which the principal use of the lot on which it is located is conducted.

26. Bulk

Bulk means the size and setbacks of buildings or structures and the location of the buildings or structures with respect to one another, and includes the following:

- a. Size and height of buildings;
- b. Location of exterior walls at all levels in relation to lot lines, streets or to other buildings;
- c. Gross floor area of buildings in relation to lot area (floor area ratio);
- d. All open spaces allocated to buildings;
- e. Amount of lot area provided per  CG5].

27. Business establishment

A place of business carrying on operations, the ownership and management of which are separate and distinct from those of any other place of business located on the same zoning lot.

28. Capacity in persons

The maximum number of persons that can avail themselves of the services or goods of an establishment or use, at any one time, with reasonable comfort, as determined in the Annapolis building code.

29. Car wash

An area or structure equipped with facilities for washing  mobiles[CG6].

30. Charitable institution

A building or group of buildings devoted to and supported by charity.

31. Co-location

Use of an antenna tower or site by more than one antenna or telecommunications service provider.

32. Coffee shop

A type of food establishment of no more than 2,000 square feet gross floor area whose principle business is the sale of coffee and other hot beverages. Pastries, sandwiches and other light fare may also be sold incidental to the service of coffee. A food service establishment that otherwise meets this definition shall not be a coffee shop if it serves alcoholic beverages or is otherwise required to have an alcoholic beverage license under this code.

33. Convenience store

A retail establishment, selling a limited number of food items, household items and some items prepared on the premises, including reheating, which can be immediately consumed, of no more than 4,000 square feet gross floor area.

34. Curb level

The level of the established curb in front of a building measured at the center of the front. Where no curb elevation has been established, the mean elevation of the finished lot grade immediately adjacent to a building shall be considered the curb level.

35. Day care, family.

Care provided for a fee to eight or fewer children under the age of thirteen, in a residence outside of the child's home, for a part of a twenty-four hour day, and regulated by the state Department of Human Resources.

36. Day care center, group

An agency, institution or establishment regulated by the state Department of Human Resources pursuant to the Family Law Article of the Annotated Code of Maryland that, for part or all of a day, on a regular schedule, and at least twice a week, offers or provides group day care to at least nine children who do not have the same parentage.

37. Delicatessen

A type of food service establishment which has as a substantial portion of its business the carry-out of foods for immediate consumption. Delicatessens must exhibit both of the following characteristics:

- a. The establishment does not provide more than ten seats, and
- b. Food items prepared for consumption generally are not prepackaged, but are made to specific order. A limited number of prepackaged items may be sold, but only as accessory to the principal use of service of food for immediate consumption.

38. Density

The number of dwelling units per gross acre.

39. Department store

Store selling a wide variety of goods and arranged in several departments.

40. District

A portion of the territory of the city within which certain uniform regulations and requirements, or various combinations of regulations and requirements, apply under the provisions of this Zoning Code.

41. Dwelling

A building, or portion of a building, designed or used exclusively for residential occupancy. includes the following unit types[CG7]:

- a. Single-family detached dwellings,
- b. Single family attached dwellings,
- c. Multifamily dwellings,
- d. Two-family dwellings, and
- e. Dwellings above the ground floor of nonresidential uses.

The term “dwelling” does not include house trailers and units[CG8].

42. Dwelling, multi-family. See illustration.

A building, or portion of a building, containing three or more dwelling units.

43. Dwelling, single-family detached. See illustration.

A building containing one dwelling unit that is surrounded entirely by open space on the same lot.

44. Dwelling, single-family attached. See illustration.

One of a series of three or more dwellings that is joined to another dwelling at one or more sides by a party wall or walls, with each unit having its own separate exterior entrance(s). For example, townhouse, rowhouse, and quadraplex units are single family attached dwellings[CG9].

45. Dwelling, two-family. See illustration.

A building containing two dwelling units. Examples:

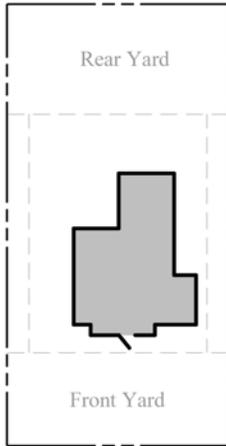
- a. A detached dwelling containing an apartment is a two-family detached dwelling.
- b. A duplex is a two-family detached dwelling with the units separated by one vertical party wall without openings extending from the basement floor to the roof along the dividing lot line.

46. Dwelling unit

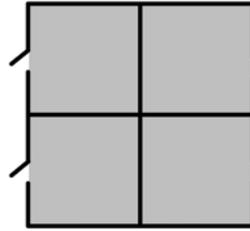
Any habitable room or a group of adjoining habitable rooms located within a dwelling and forming a single unit with facilities which are used or intended to be used for living, sleeping, cooking and eating of meals.

Illustrations for dwelling unit definitions

Single-family detached dwelling: *one dwelling unit surrounded entirely by open space*

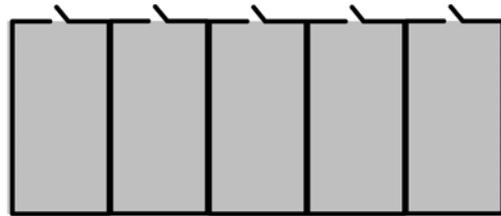


Quadraplex



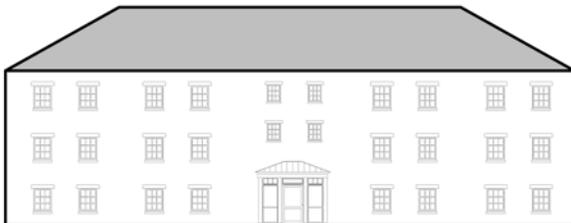
Single-family attached dwelling (plan view): *one of three or more dwellings, each unit having its own separate exterior entrance(s)*

Each unit has its own separate entrance.



Townhouse or rowhouse

Multifamily dwelling: *a building, or portion of a building, containing three or more dwelling units.*

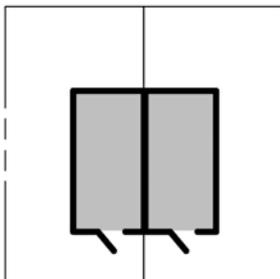


Dwelling (s) above the ground floor of a nonresidential use

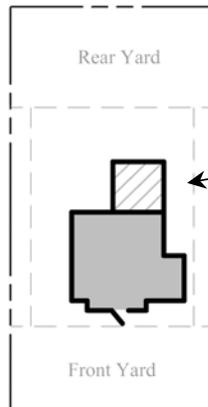


Two-family dwellings: buildings containing two dwelling units

Duplex: *two-family detached dwelling with the units separated by one vertical party wall.*



Detached dwellings containing an apartment.



Apartment at rear

2nd floor apartment



47. Efficiency unit

A dwelling unit consisting of one principal room exclusive of bathroom, kitchen, hallway, closets or dining alcove directly off the principal room, providing the dining alcove does not exceed 125 square feet in area.

48. Electric substation

For determining setbacks, electric substation includes any piece of electrical equipment or electrical apparatus required to transform voltage of electricity. It excludes fences, planting, and other aesthetic treatments.

49. Established front yard

The front yard for a block or portion of a block that has been created by any existing legally constructed building or buildings, whether or not this yard meets the minimum yard requirements for the zoning district where the building or buildings are located [CG10].

50. Family

One or more persons, each related to the other by blood, marriage or adoption, who are living together in a single dwelling and maintaining a common household. A family includes any domestic servants and not more than one gratuitous guest residing with the family.

51. Floor area [CG11]

The sum of the gross horizontal areas of the stories of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings.

a. Calculation of floor area for determining Floor Area Ratio.

- i. The following areas shall be included in the calculation:
 - a) Elevator shafts and stairwells at each floor,
 - b) Floor space used for mechanical equipment (except equipment, open or enclosed, located on the roof),
 - c) Penthouses,
 - d) Attic space having headroom of seven feet ten inches or more,
 - e) Interior balconies and mezzanines,
 - f) Enclosed porches,
 - g) Floor area devoted to accessory uses, and
 - h) In Waterfront Maritime districts only, space devoted to off-street parking structures at or above ground level.

- ii. The floor area of structures devoted to bulk storage of materials, including, but not limited to, grain elevators and petroleum storage tanks, is determined on the basis of height in feet; i.e., ten feet in height equals one floor.

b. Calculation of floor area for determining off-street parking requirements.

- i. The following areas shall be included in the calculation:
 - a) Penthouses
 - b) Attic space having headroom of seven feet ten inches or more,
 - c) Interior balconies and mezzanines,
 - d) Enclosed porches,
 - e) Accessory storage areas located within selling or working space such as counters, racks or closets, and
 - f) Basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices.
- ii. The following areas shall not be included in the calculation:
 - a) Areas devoted primarily to storage purposes except those included above in subsection 45.b.i.e);
 - b) Areas devoted to off-street parking or loading facilities, including aisles, ramps and maneuvering space; or
 - c) Basement floor area other than areas devoted to uses included above in subsection 45.b.i.f).

52. Floor area ratio (F.A.R)

The floor area of the building or buildings on a zoning lot divided by the area of the zoning lot, or, in the case of planned developments, by the net site area.

The floor area ratio requirements as set forth in the zoning district bulk regulations tables determine the maximum floor area allowable for the building or buildings (total floor area of both principal and accessory buildings) in direct ratio to the gross area of the zoning lot.

53. Food and beverage-related use

A commercial or nonprofit enterprise engaged in the preparation and sale of food, beverages or frozen desserts. Food service may or may not be the principal business of the establishment. Food and beverage-related uses include the following uses:

- a. Bake shops,
- b. Candy stores including candy making,

- c. Catering establishments,
- d. Clubs, lodges and meeting halls, with on-premises food or beverage preparation facilities,
- e. Coffee shops,
- f. Convenience stores,
- g. Delicatessens,
- h. Fast food restaurants
- i. Food service marts,
- j. Ice cream stores
- k. Markets, open air,
- l. Standard restaurants,
- m. Supermarkets

54. Food service mart

An establishment whose principal purpose is the sale of food items for home consumption, either prepared on premises or prepackaged. A food service mart must exhibit all of the following characteristics:

- a. The principal operation of the establishment is the sale of food items for home consumption, either prepared on the premises or prepackaged,
- b. No seating is provided on the premises, and
- c. The gross square footage of the establishment does not exceed 4,000 square feet.

55. Food store

A retail establishment selling dry groceries, produce and household items, but having no food prepared on the premises for immediate consumption.

56. Grade, lot

Lot grade is the average level of the finished surface of the ground adjacent to the exterior walls of a building or structure.

57. Group home

Any residential structure used to house a group of individuals in need of special residential facilities, but without extra medical or institutional services, guards or procedures, provided the facility is certified under guidelines and control of the state Departments of Health, Social Services or Juvenile Services.

58. Half-story

See Story, half.

59. Height

- a. For buildings, see building height.
- b. For signs, see Section 21.70.050.B.

60. Home Occupation[CG12]

A business use conducted entirely within a dwelling unit or accessory building to a dwelling unit by a resident of the dwelling unit and which is clearly incidental and secondary to the use of the principal building on the zoning lot for dwelling purposes.

61. Hotel

An establishment which is open to transient guests and which provides customary hotel services including maid service, the furnishing and laundering of linen, telephone and secretarial or desk service, the use and upkeep of furniture, and bellboy service[CG13].

62. Incompatible use

A use that is unsuitable for direct association with certain other uses because it is contradictory, incongruous or discordant.

63. Inn

A hotel which has no more than twenty sleeping rooms and/or suites for use by transient guests, and which has no food and beverage service other than that provided for guests of the inn, and which may provide meeting or conference facilities for guests of the inn.

64. Institution for the care of the aged

A building or buildings which provide housing for senior citizens aged sixty-two and older and which include seniors-specific amenities and services that meet the nutritional, social, recreational, medical, safety and transportation needs of the residents. This requirement may be met through the provision, for example, of meal service with common dining facilities, physical therapy facilities and activities, social and recreation facilities and activities, exercise facilities, meeting rooms and library service, health care service including a dedicated medical examination room, and personal services such as either an internal trash chute or trash pickup for each unit, an emergency response system for each unit and cleaning services for each unit.

The term “institution for the care of the aged” includes acute care facilities such as nursing homes, assisted living facilities, and independent living facilities[CG14].

65. Integrated sign program

A coordinated program of signage for a zoning lot or lots where the materials, colors, shapes, and sizes of signage establish a unity of design compatible with the site, architecture, and the context.

66. Kennel

A premises on which dogs or cats are maintained, boarded, bred or cared for, in return for remuneration, or are kept for the purpose of sale.

67. Landscape elements

The components of a landscape including planting, lighting, paving, fencing, grading, and



elements [CG15].

68. Living space, minimum

The minimum amount of space that must be provided in a dwelling unit when required in the bulk regulations table for a zoning district. Minimum living space is determined by measuring from the inside walls of the dwelling unit. Gross square footage is expressed as gross square footage and may include closets and interior hallways, but may not include common hallways or storage areas located outside the dwelling [CG16].



69. Lot

Lot means a zoning lot, except when the context indicates a lot of record, in which case a "lot" is a lot of record. Lot includes "piece", "parcel" and "plot."

70. Lot, corner. See illustration.

A lot situated at the intersection of two streets, the interior angle of the intersection not exceeding 135 degrees.

71. Lot, reversed corner. See illustration .

A corner lot, the street side lot line of which is substantially a continuation of the front lot line of the first lot to its rear.

72. Lot, through. See illustration.

A lot having a pair of opposite lot lines along two more or less parallel public streets, and which is not a corner lot. On a through lot both street lines shall be deemed front lot lines.

73. Lot, zoning. See illustration.

A single tract of land located within a single block which, at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed or built upon as a unit, under single ownership or control. Therefore, a "zoning lot" may or may not coincide with a "lot of record."

74. Lot coverage

The amount of surface area of a lot that is covered by the sum of all structures, including accessory structures. Walks, driveways and fences shall not be considered structures for the purpose of this definition, but parking pads, parking lots and swimming pools are considered structures. Paved surfaces constructed of permeable materials allowing direct storm water absorption shall be exempted from the coverage calculation if approved by the Planning and Zoning Director.

75. Lot depth. See illustration.

The mean horizontal distance between the front lot line and the rear lot line of a lot, measured within the lot boundaries.

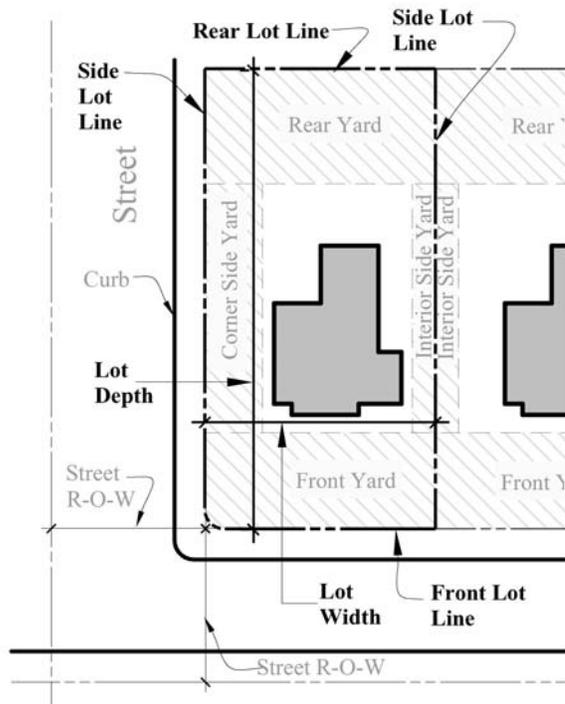
76. Lot line, front. See illustration.

The boundary of a lot which is along an existing or dedicated public street. At the time of application for a building permit, the owner of a corner lot may select either street lot line as the front lot line.

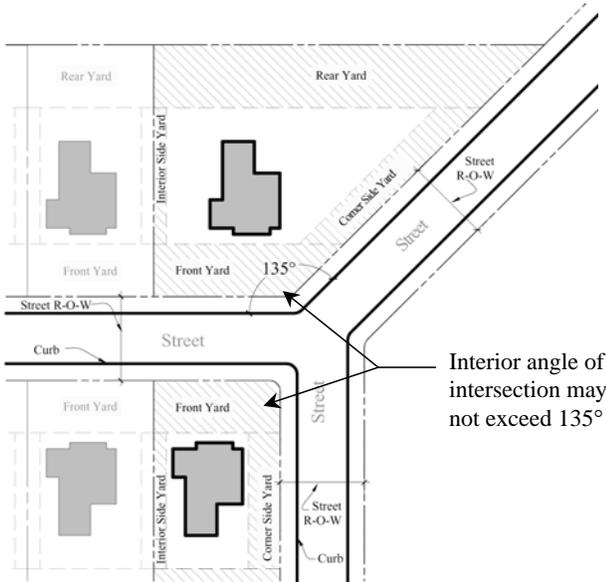
77. Lot line, rear. See illustration.

The boundary of a lot which is most distant from and is, or is most nearly, parallel to the front lot line.

Lot lines, lot width, lot depth

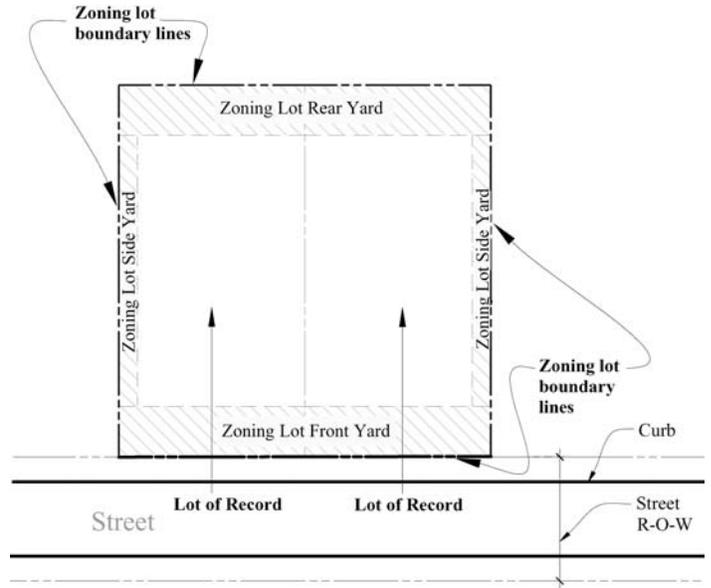


Corner lot

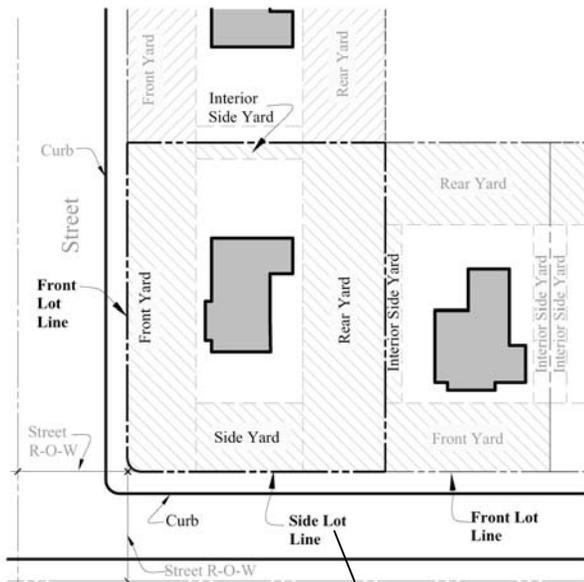


Interior angle of intersection may not exceed 135°

Zoning lot

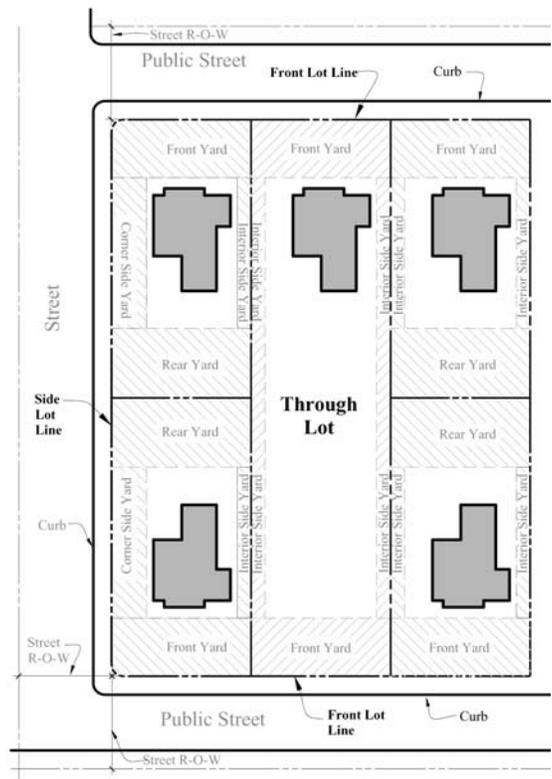


Reversed corner lot



Side lot line is a continuation of the front lot line of the lot to the rear.

Through lot



78. Lot line, side. See illustration.

Any boundary of a lot which is not a front lot line or a rear lot line.

79. Lot of record

A lot which is part of a subdivision, the plat of which has been recorded in the office of the recorder of deeds of Anne Arundel County; or a parcel of land, the deed to which was recorded in the office of the recorder prior to the effective date of this Zoning Code.

80. Lot width. See illustration.

The horizontal distance between the side lot lines of a lot. Lot width is measured as follows:

- a. Single-family detached dwellings in the R1-A district: at the narrowest width within the first 50 feet of lot depth immediately in back of the front yard setback line,
- b. All uses in all other districts: at the narrowest width within the first 30 feet of lot depth immediately in back of the front yard setback line or established front yard if applicable.

81. Maritime use setback

An open-air location for water-dependent maritime uses. The setback is 100-feet deep measured parallel to the shoreline. Non water-dependent uses are permitted in the maritime use setback if certain bulk requirements are met [CG17].



82. Marquee sign

See Sign, marquee.

83. Marquee [CG18]

A permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

84. Massage parlor

Massage parlor has the meaning given it in Chapter 7.32 of the Annapolis City Code.

85. Mezzanine

An intermediate or fractional story between the floor and ceiling of a full story, used for a purpose accessory to the principal use. Normally, a mezzanine is just above the ground or main floor, extending over only part of the main floor.

86. Mooring slip, private

Any dock, arrangement of piles or method used to moor a boat over 15 feet long, owned or used by the owner of the property, the owner's immediate family or tenants of the property.

87. Mooring slip, public

Any dock, device or method for mooring any boat owned or leased by a person other than the landowner, the owner's immediate family or tenants of the property.

88. Motel

An establishment consisting of a group of attached or detached living or sleeping accommodations with bathroom and closet space, located on a single zoning lot and designed for use by transient automobile tourists. A motel furnishes customary hotel services such as maid service and laundering of linen, telephone and secretarial or desk service, and the use and upkeep of furniture. In a motel, less than 50 percent of the living and sleeping accommodations are occupied or designed for occupancy by persons other than transient automobile tourists.

89. Motor vehicle

Any passenger vehicle, truck, truck-trailer, trailer or semi-trailer propelled or drawn by mechanical power.

90. Multi-tenant facility

Two or more businesses under single ownership or under unified control. Multi-tenant office or commercial buildings, industrial parks, shopping centers are multi-tenant facilities.

91. Nameplate

A sign indicating the name and address of a building, or the name of an occupant of a building and the practice of a permitted occupation in a building.

92. Nonconforming structure

A building or structure lawfully constructed prior to the effective date of the Zoning Code, or an amendment to the Zoning Code, that does not comply with the applicable bulk regulations or other development or design standards of the Zoning Code in the zoning districts in which the building or structure is located.

93. Nonconforming use

See Use, nonconforming

94. Nursing home

See Rest home.

95. Off-site parking  lity[CG19]

A parking facility located on land other than the zoning lot on which the use requiring the parking is located.

96. Office, medical

An organization of specializing physicians, dentists, chiropractors, osteopaths or similar licensed or registered practitioners who have their offices in a common building. A medical office does not include in-patient care.

97. Office and business services establishment

An establishment providing business services for office and business uses. The term “office and business services” includes but is not limited to are blueprinting and photostating, business machine sales and service, camera and photographic supply, computer and communications products supply and service facilities, office supply stores, package mailing service establishments, fax and telegraph facilities, and photocopying and reproduction shops.

The term “office and business services” does not include any used that is otherwise listed specifically in the Table of Permitted Uses for the zoning district where the term is used.

98. Overlay district

A district established to respond to special features or conditions of a land area, such as historic value, physical characteristics, location, or other circumstances. An overlay district supplements or provides an alternative to the regulations of the underlying zoning district.

99. Personal care establishment

An establishment providing services for the customary comfort, convenience or care of individuals. The term “personal care establishment” includes but is not limited to barbershops, beauty parlors, dressmaking/tailoring stores, drugstores, and photography studios.

The term “personal care establishment” does not include any that is otherwise listed specifically in the Table of Permitted Uses for the zoning district where the term is used.

100. Planned  elopment [CG20]

A tract of land which contains or will contain one or more principal buildings, the development of which is allowed greater flexibility and, consequently, achieves more creative and beneficial design than may be possible under conventional zoning district regulations. There are three types of planned development:

- a. Residential planned development is a planned development that is substantially residential in character.
- b. Business planned development is a planned development that is substantially commercial or industrial in character.

- c. Special mixed planned development is a planned development that is substantially mixed in character and that may contain a wide range of planned development uses.

101. Planned development [CG21]

See Use, planned development

102. Professional person

An individual, as distinguished from a corporation, partnership, group, or other entity, who is pursuing a vocation involving labor or skill which is predominately mental or intellectual, rather than physical or manual, in which a knowledge of a science or field of learning is used by its practical application to the affairs of others, either in advising, treating or teaching them, or in serving their interests or welfare in the practice of the art founded on that science or field.

103. Property lines

The lines bounding a zoning lot, as defined in this chapter.

104. Public way

Any sidewalk, street, alley, highway, waterway or other public thoroughfare.

105. Rest home or nursing he[CG22]

A private home, not age restricted, for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders. This home does not contain equipment for surgical care or for the treatment of disease or injury.

106. Restaurant, fast food

An establishment, other than a bake shop, candy or ice cream store, which provides as a principal use the sale of foods or beverages in a ready-to-consume state, for consumption off the premises. A fast-food establishment's design or principal method of operation includes two or more of the following characteristics:

- a. Food or beverages are service in edible containers, or in paper, plastic or other disposable containers. Eating utensils, if provided, are disposable;
- b. The line of food or beverages is limited, and is usually prepared in advance of the customer's order;
- c. Food or beverages are served over a general service counter for the customer to carry to a seating facility within the restaurant, or carry-out off premises, or to an occupant of a motor vehicle while seated in the vehicle, such as through a drive-in window; and
- d. Carry-out sales, including delivery service, constitute over ten percent of the food service business.

107. Restaurant, standard

An establishment whose principal business is the sale of foods or beverages to customers in a ready-to-consume state. Carry-out foods or beverages may constitute not more than ten percent of the business. A standard restaurant has a design or principal method of operation which includes one or both of the following characteristics:

- a. Patrons usually and customarily are provided with individual menus, and are served their food or beverages by a restaurant employee at the same table or counter at which the items are consumed,
- b. Service is provided by a cafeteria-type operation where foods or beverages are served on non-disposable plates or containers and nondisposable eating utensils are provided

108. Rest home or nursing home

A private home for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders. This home does not contain equipment for surgical care or for the treatment of disease or injury.

109. Retail goods store

An establishment where the principal use or purpose is the sale of physical goods, products, and merchandise directly to the consumer. The term “retail goods store” includes, but is not limited to clothing and apparel stores, dry goods stores, leather goods and luggage stores, furrier shops, medical appliance and supply stores, pawnshops, pet shops, shoe shops, sporting goods stores, and toy shops.

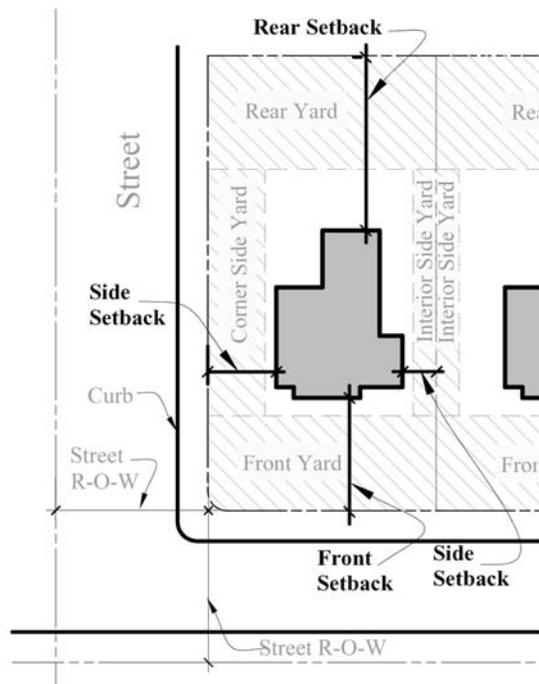
The term “Retail goods store” does not include any use or other type of establishment that is otherwise listed specifically in the Table of Permitted Uses for the zoning district where the term is used.

110. Rowhouse

See Dwelling, attached.

111. Setback. See illustration.

The minimum horizontal distance between a lot line or public street right-of-way and the nearest point of a structure or projection thereof.

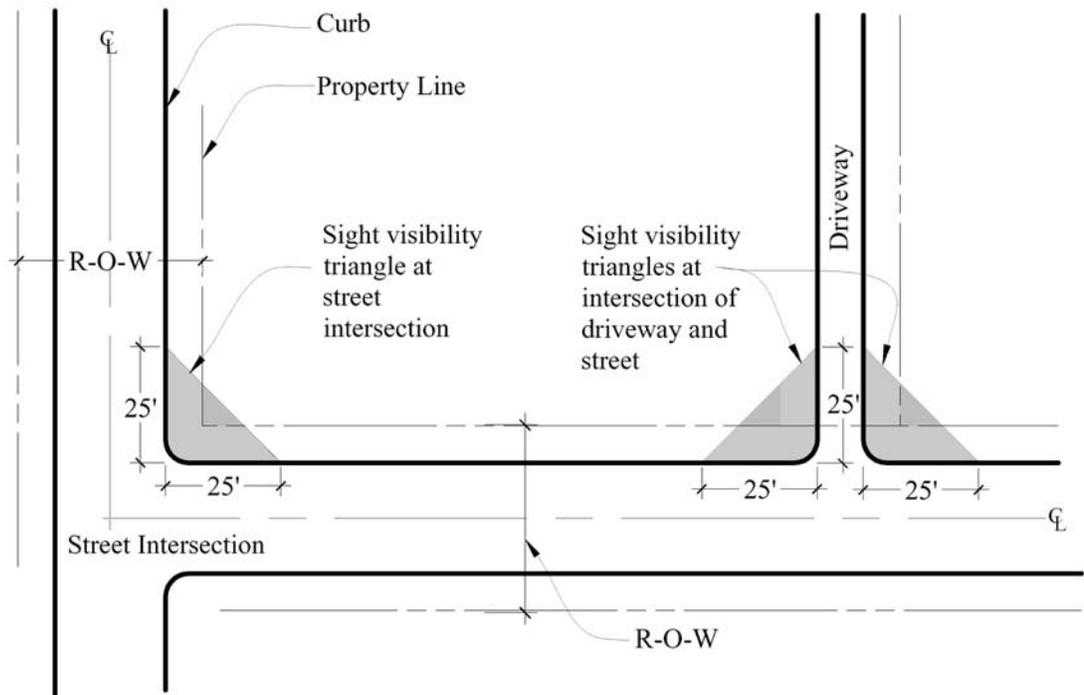


112. Shopping center

A complex of retail stores sharing common parking facilities. Non-retail uses such as offices and residential uses can be incorporated into a shopping center. A shopping center contains at least six retail stores and 30,000 square feet of retail space.

113. Sight Visibility Triangle. See illustration.

A triangular space provided across all property corners created by either the intersection of two streets or the intersection of a driveway and a street. The sight visibility triangle is determined by drawing a diagonal line across the corner of the lot measured from two points drawn 25 feet back from the street or driveway intersections with a street.



114. [CG23]

Any name, identification, description, display or illustration which is affixed to, or represented directly or indirectly upon, a building, structure or piece of land, and which directs attention to an object, product, place, activity, person, institution, organization or business.

The term “sign” includes signs erected or installed in the interior of a structure if the sign is situated in a manner to indicate that its prime purpose is for viewing from the exterior of the structure. The prime purpose of an interior sign is exterior viewing if it is visible from the exterior and if no public access is permitted between the sign and the exterior window of the structure.

The term "sign" does not include the following:

1. Display of official court or public office notices,
2. The flag, emblem or insignia of a nation, political unit, school or religious group, or
3. A sign located completely within an enclosed building and not visible to the outside of the building.

115. Sign, business community ntification [CG24]

A sign representing an area consisting of no less than six distinct businesses located on separate parcels of land.

116. Sign, standing[CG25]

Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.

117. Sign, und[CG26]

A sign where the entire bottom of the sign is in contact with or in close proximity to the ground. A "monument sign" is a ground sign.

118. Sign, e[CG27]

A sign supported by one or more poles and otherwise separated from the ground by air.

119. Sign, rquee[CG28]

A sign attached to or made part of a marquee. A marquee sign is a type of wall-mounted sign.

120. Sign, jecting[CG29]

A sign affixed to a building or wall in such manner that its leading edge extends more than six inches beyond the surface of the building or wall.

121. Sign, temporary

A sign that advertises community or civic projects or special events on a temporary basis, or a political sign.

122. Sign, wall-nted[CG30]

Any sign attached parallel to, but within six inches of, a wall, painted on the wall surface of, or erected and confined within the outside limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign face.

A marquee sign is a type of wall-mounted sign.

Signs placed on canopies or awnings are considered to be wall-mounted signs.

123. Sky exposure plane

A defined plane above a lot into which no part of a structure is permitted to ide[CG31].

124. Special exception

See Use, special exception.

125. Specialty convenience retail store

An establishment where the principal use or purpose is the sale of convenience products directly to the consumer. These stores usually specialize in one type or line of inter-related products. The term “specialty convenience retail goods store” includes but is not limited to book and stationery stores, camera and photographic supply stores, florists, and hardware, paint and wallpaper stores.

The term “specialty convenience retail store” does not include any use that is otherwise listed specifically in the Table of Permitted Uses for the zoning district where the term is used.

The term “specialty convenience retail store” does not include a “Convenience store” as defined in this Chapter.

126. Special mixed planned development

See Planned development

127. Stealth structure

A structure used to enclose and screen antennas from view. Flag poles, bell towers, clock towers, and masts are examples of stealth structures.

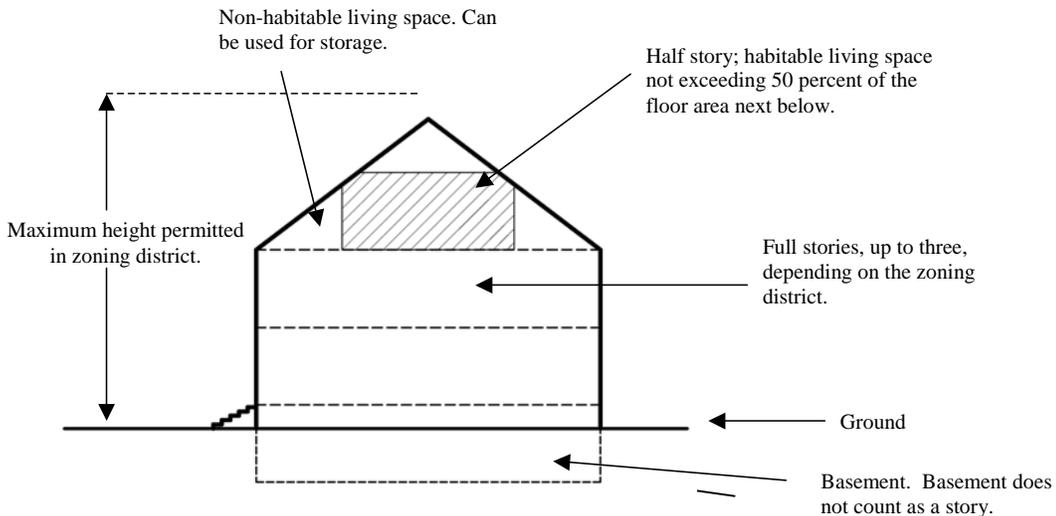
128. ry [CG32]

The space in a building between two adjacent floor levels or between a floor and the roof. A basement, as defined in this title, is not a story.

129. Story, [CG33]. See illustration.

A story containing habitable living space not exceeding 50 percent of the floor area next below.

Habitable living space is space that meets the ceiling requirements for habitable rooms, hallways, corridors, bathrooms, toilet rooms, and laundry rooms, as set forth in the City of Annapolis Building Code (see Chapter 17.12).



130. Street

A public or private right-of-way which affords a primary means of vehicular access to abutting property, whether designated as a street, avenue, highway, road, boulevard, lane, throughway or however otherwise designated, but does not include driveways to individual buildings. For the purposes of dedication to the city for city maintenance, "street" does not include parking lots, or parking lot access roads.

131. Streetscape [CG34]

Architectural or functional facilities or structures which occur on site but are not part of the building and which encourage and facilitate human interaction with the environment. Examples include, but are not limited to the following: decorative light fixtures, fountains, sculpture, benches and tables, planters, retaining walls, pedestrian and bicycle paths, bicycle parking structures, trash receptacles and enclosures, vendor areas, bollards and fences.

132. Structural alteration

Any change, other than incidental repairs, which would prolong the life of the supporting members of a building, such as the addition, removal or alteration of bearing walls, columns, beams, girders or foundations.

133. Structure

Anything constructed or erected with a fixed location on the ground or which is attached to something having a fixed location on or in the ground.

134. Supermarket

A retail establishment selling dry groceries, produce, household items, and limited food prepared on the premises which is immediately consumable, such as bakery or delicatessen items.

135. Tavern

See Bar and Tavern

136. Telecommunications facility

Any facility established for the purpose of providing wireless voice, data and image transmission within a designated service area. A telecommunications facility consists of one or more antennas and equipment attached to a support structure and related equipment. Equipment may be within a building, an equipment cabinet or within an equipment room within an existing building.

The term “telecommunications facility” does not include “antenna tower”.

137. Telephone transmission equipment building  35]

A building containing equipment used for switching and interconnection of public message communication circuits.

138. Tent

Any structure or enclosure, the roof of which and/or one-half or more of the sides, are constructed of silk, cotton, canvass, fabric or a similar light material.

139. Townhouse

See Dwelling, attached.

140. Trailer

Any vehicle, house-car, camp-car or any portable or mobile vehicle on wheels, skids, rollers or blocks, either self-propelled or propelled by any other means, which is used or designed to be used for residential, living, sleeping or commercial purposes.

141. Use, accessory

A building or use that:

- a. Is subordinate in purpose to, and serves, a principal building or principal use;

- b. Contributes to the comfort, convenience or necessity of occupants of the principal building or principal use served; and
- c. Is located on the same zoning lot as the principal building or use served, with the single exception of accessory off-street parking facilities permitted to locate elsewhere than on the same zoning lot with the building or use served.

Uses accessory to a special exception are permitted only when a special exception has been granted.

142. Use, nonconforming

A principal or accessory use lawfully established prior to the effective date of the Zoning Code, or an amendment to the Zoning Code, that does not conform to the use regulations of the Zoning Code in the zoning districts in which such use is located.

143. Use, permitted

A use which may be established lawfully in a particular district or districts, provided it conforms with all requirements and regulations of the district.

144. Use, planned development

A use, including a special exception use, that is not normally permissible as a permitted use or use subject to standards in a zoning district, but that may be permitted as part of a planned development provided that the planned development as a whole meets the criteria for approval set forth in this Zoning Code. Use regulations for planned developments are listed in section 21.24.020 of this Zoning Code.

145. Use, principal

The main use of land or buildings as distinguished from a subordinate or accessory use. A principal use may be a permitted use, a special exception use, or a use subject to standards.

146. Use, special exception  **on[CG36]**

A land use or activity that requires approval by the Board of Appeals for a specific location and site plan, based on standards established in this Zoning Code.

A use that existed as a conditional use, as defined under this Code prior to the adoption of Ordinance O-39-97 on January 12, 1998, shall be deemed a legal special exception if lawfully existing on the effective date of any amendment to this title making that use a special exception  **[CG37].**

147. Used for

The term “used for” includes the phrases "arranged for," "designed for," "intended for," "maintained for" and "occupied for."

148. Valet Parking

An area where cars are parked and unparked by an attendant in the employ of or under contract to the owner of the parking area rather than by the owner or operator of the vehicle.

149. View e[CG38]

A space defined by two projected lines from the centerline of a street right-of-way that is to be kept free of obstructions so as to preserve a distant view.

See illustration for calculation of view cone:

150. Wall-mounted sign.

See sign, wall-mounted.

151. Water-dependent structure

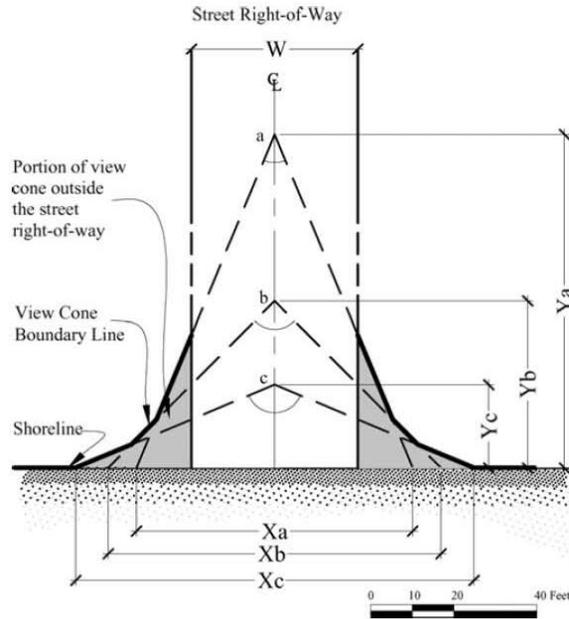
A structure or accessory building associated with maritime activities involving seafood industrial, in-water boat storage or marine fabrication use that, in the determination of the Planning and Zoning Director, requires location within 100 feet of the bulkhead or mean high water line for efficiency of operation. [CG39]

152. Waterway

A body of water subject to tidal action.

Illustration for calculation of view cone

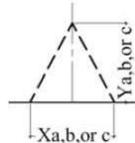
Calculations for a given right-of-way (W)



Width of view cone at shoreline	Formula
Xa	1.66 times (W)
Xb	2 times (W)
Xc	2.4 times (W)
Distance from shoreline to apex of view cone	
Ya	2 times (W)
Yb	(W)
Yc	0.5 times (W)

Definitions

W = Width of street right-of-way
 Xa,b, or c = Width of view cone
 Ya,b, or c = Distance from shoreline to apex of view cone

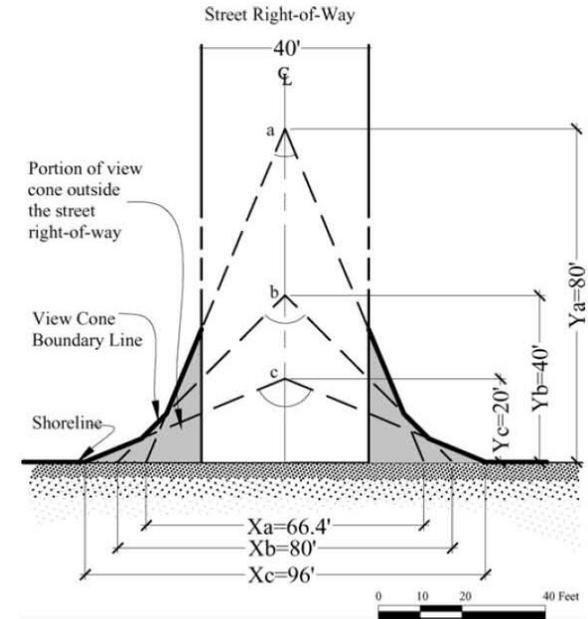


Example Calculations for a 40-foot street right-of-way

The view cone boundary is defined by the outer edges of three triangular view cones, which are labeled 'a', 'b', and 'c' in the diagram. The boundaries are drawn in plan (top down) view. The cones widen progressively approaching the water's edge (as the observer's view widens). The depths and widths of view cones 'a', 'b', and 'c' are calculated relative to the width of the adjacent street right-of-way.

Steps:

- Determine width of street right-of-way (W).
- Using graph paper, draw to scale the street right-of-way, marking the shoreline and the street centerline (CL).
- Calculate the width (Xa) of view cone 'a' at the shoreline using the formula in the table. Draw a line on the graph paper showing this width, with the line centered on the street right-of-way centerline at the shoreline.
- Calculate the depth (Ya) of view cone 'a' from the shoreline using the formula in the table. Mark this depth on the graph paper on the street centerline (point 'a' in the diagram).
- Draw view cone 'a' by connecting the outer points of Xa (step 3) with point 'a' (step 4) to form a triangle.
- Calculate and draw view cones 'b' and 'c' using the formulae in the table for Xb, Yb, Xc and Yc.
- The view cone boundary may now be drawn along the line that runs along the outermost extent from the street right-of-way of the three view cones (see heavy bold line in the diagram). The area within the view cone boundary, the shaded area in the diagram) is subject to Section 21.60.080.



Width of view cone at shoreline	Formula	If Right-of-Way = 40'	
Xa	1.66 times (W)	1.66 times 40'	Xa=66.4'
Xb	2 times (W)	2 times 40'	Xb=80'
Xc	2.4 times (W)	2.4 times 40'	Xc=96'
Distance from shoreline to apex of view cone			
Ya	2 times (W)	2 times 40'	Ya=80'
Yb	(W)	40'	Yb=40'
Yc	0.5 times (W)	0.5 times 40'	Yc=20'

153. Yard. See illustration.

Open space on the same zoning lot with a building or structure, unoccupied and unobstructed from the ground upward, except as permitted in Section 21.60.080. A yard extends along a lot line, and to a depth or width specified in the yard requirements for the zoning district in which the zoning lot is located.

154. Yard, buffer

See Bufferyard

155. Yard, corner side. See illustration.

A side yard which adjoins a public street.

156. Yard, front. See illustration.

A yard extending along the full length of the front lot line between the side lot lines.

157. Yard, interior side. See illustration.

A side yard which is located immediately adjacent to another zoning lot or to an alley separating the side yard from another zoning lot.

158. Yard, rear. See illustration.

A yard extending along the full length of the rear lot line between the side lot lines.

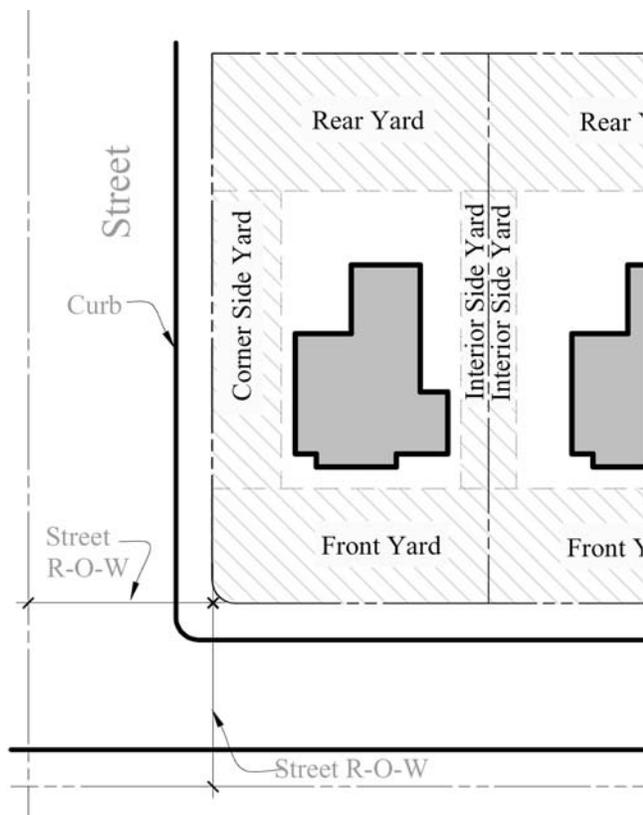
159. Yard, side. See illustration.

A yard extending along a side lot line from the front yard to the rear yard.

160. Yard, transitional

A yard, which serves as a buffer, that may be required on a zoning lot in a non-residential district which adjoins a zoning lot in a residential or non-residential district[CG40].

Illustration for yards



161. Yard, waterway

A yard contiguous to a waterway.

162. Zoning district

An area or areas within the city for which the regulations and requirements governing use, lot and bulk of buildings and premises are uniform.

21.72.020 Rules of Measurement

Measurement of distances. All measured distances shall be to the nearest integral foot. If a fraction is one-half foot or less, the integral foot next below shall be taken.

Editorial Comments to Division VI

Page: 3

[CG1] New definition. The term anchor tenant is used in the sign regulations.

Page: 3

[CG2] These uses are considered the same under the Annapolis code.

Page: 4

[CG3] This is essentially the former definition of “cellar”. The term cellar was defined but not otherwise used in Title 21. The new definition of basement is the common meaning i.e. a floor that is below the ground. Note that the definition of Floor Area Ratio that referred to “basement” is also changed.

Page: 5

[CG4] New definition

Page: 6

[CG5] Under E. changed “per dwelling unit” to “per use” so as to broaden the scope of what is covered under the term “bulk”.

Page: 6

[CG6] Definition simplified. Intention is to be inclusive. Car washes require a special exception.

Page: 8

[CG7] Definition is the same as the current code, but the list of unit types is now revised to cover all unit types.

Page: 8

[CG8] Former separate definition of house trailer added here as “dwelling” was the only place where the term was used other than trailer park which has been deleted as a use.

Page: 8

[CG9] Revised definition that clarifies that attached dwellings are 3 or more and includes quadraplexes. Distinguishes between a duplex (which is a form of detached dwelling) and townhouses (which are 3 or more), and between attached dwellings and multi-family dwellings.

Page: 10

[CG10] New definition. The term is used extensively in the current regulations (see, for example, Sections 21.10.050 and 21.10.060) but is not defined. The established front yard regulations have been substantively redrafted. See Division III.

Page: 10

[CG11] Former definitions 21.04.250 and 21.04.255 clarified primarily through formatting. Definition revised to deleted former reference to basement in 21.04.250: “includes basement floor area when more than one-half of the basement height is above the established curb level or above the finished lot grade level where curb level has not been established”. Since basement was defined as “above ground” the phrase was unnecessary. The intent is to not include basement in the calculation of FAR, consistent with past practice. Also added the word “basement” in the exclusions in part b.ii of the definition.

Page: 13

[CG12] Added the word “business to the definition . Standards moved to use standards chapter.

Page: 13

[CG13] Reference to roominghouse in existing definition deleted as the roominghouse use has also been deleted.

Page: 13

[CG14] Last sentence added to summarize uses included under the definition.

Page: 14

[CG15] New definition to more carefully explain the term landscape.

Page: 14

[CG16] New definition using existing language. This term is used in several zoning districts.

Page: 17

[CG17] Definition from former section 21.55.020. Definition revised slightly to remove the regulation; this has been moved to Division III.

Page: 17

[CG18] New. Term is currently undefined.

Page: 19

[CG19] New definition.

Page: 19

[CG20] Revised definition to reflect changes in new Chapter 21.24. Also deleted former phrase “, developed under single ownership or control”, since many PUDs have multiple applicants and or are later sold an constructed as separate lots by separate owners.

Page: 20

[CG21] New definition for new section 21.24.020

Page: 20

[CG22] Phrase “not-age restricted” added to differentiate from “Institutions for the care of the Aged”.

Page: 22

[CG23] Added interior signs from 17.60.010, but as proposed would extend to all signs, not just signs in the historic district. Deleted last sentence from definition: "Sign" does not include a temporary sign. Also deleted “nor does it include the official name, permanently affixed to the structure, of any educational, cultural or religious institution”; this type of sign has been added to permitted signs for these type of institutions.

Definition for “advertising device” deleted: this term applies to off-premise signs like billboards, but they are only permitted in a few districts such as B2, I1 and WMI. The term “advertising device” is not used in the proposed regulations.

Page: 23

[CG24] New definition. Current code incorporates this language in the body of the regulations.

Page: 23

[CG25] New. Term is currently undefined.

Page: 23

[CG26] New. Term is currently undefined.

Page: 23

[CG27] New. Term is currently undefined.

Page: 23

[CG28] New. Term is currently undefined.

Page: 23

[CG29] New. Term is currently undefined.

Page: 23

[CG30] New definition. Adapted from Sign Regulation for Small and Midsize Communities by Kelly, E., and Raso, G.

Page: 24

[CG31] New definition to explain this term.

Page: 24

[CG32] New definition. The term is not currently defined. Second sentence clarifies that a basement is not counted in FAR or yard requirement calculations. Staff had to address the question of when a basement became a story.

Page: 25

[CG33] New definition based on a Departmental interpretation, (April 3, 1989).

Page: 25

[CG34] New definition using language in former 21.71.030.

Page: 26

[CG35] New definition. Current regs do not define this term. Verizon has this type of building in the MX district on West Street, though it is not currently permitted in that district. This use would be permitted by right in certain non-residential districts. Miniaturization has reduced the need for these types of facilities. This definition is intended to cover the Federal Communications Commission definition of “Central Office”; A landline termination center used for switching and interconnection of public message communication circuit. This term has not been used as it would not be understandable to users of the zoning code.

Page: 27

[CG36] New definition. Current definition (21.04.620) was confusing and inconsistent with case law and enabling legislation.

Page: 27

[CG37] Revision of former 21.06.140. O-39-97 changed conditional uses to special exceptions. This sentence clarifies that uses that were approved conditional uses prior to January 12, 1998 are legal special exceptions.

Page: 28

[CG38] New definition

Page: 28

[CG39] Same definition as in 21.54.50 Critical Area (former 21.67.050). Definition in 21.57.020 (WME district) had been slightly different; had included the words “*on-land boat storage, boat repair and maintenance*”. from former section 21.55.020.

Page: 30

[CG40] Revised to reflect new zoning district names.